DIFFICULT CHOICES: AUTONOMY AND THE LIBERAL STATE

by

Jennifer Anne Warriner

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STATEMENT OF DISSERTATION APPROVAL

The dissertation of **Jennifer Anne Warriner**

has been approved by the following supervisory committee members:

Cynthia A. Stark	, Chair	**12/11/2012** Date Approved
Leslie Francis	, Member	**12/11/2012** Date Approved
Chrisoula Andreou	, Member	**12/11/2012** Date Approved
Ella Myers	, Member	**12/11/2012** Date Approved
Marina Oshana	, Member	**12/11/2012** Date Approved

and by **Stephen M. Downes**, Chair of the Department of **Philosophy**

and by David B. Kieda, Dean of The Graduate School.

ABSTRACT

This project concerns a deeply contested moral ideal: autonomy. To be autonomous is to have authority over one's self and to govern one's life on the basis of value commitments one deems important. One of the dominant views of liberalism – antiperfectionist comprehensive liberalism – distinguishes itself from other liberal views because it grants unique privilege to the ideal of autonomy in *personal and political life*. Will Kymlicka is one of the most prominent defenders of antiperfectionist comprehensive liberalism and while he appeals to the ideal of autonomy in his liberalism, he is not clear about which theory of autonomy he is appealing to. As a result, his theory of autonomy is sketchy and incomplete. As an autonomy theorist, I think that there is more Kymlicka can say to elaborate on the view of autonomy operating in his theory of liberalism. Kymlicka has not explained whether his view is a procedural, or substantive, or a socio-relational view and these exhaust the kinds of views of autonomy in the literature, so Kymlicka's view must be one of these. It is important for Kymlicka to be clear on the view of autonomy he incorporates because each theory has its own motivating assumptions and standards for what counts as an autonomous choice. In addition, it is important for Kymlicka to be clear about the theory of autonomy in his liberalism, because, in some cases, the standards for autonomy may be inconsistent with his liberal commitments. In this project, I argue that Kymlicka incorporates a socio-relational view of autonomy in his liberalism.

This is dedicated to my grandmothers,

both of whom taught me about the importance of autonomy.

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CHAPTER 1

LIBERALISM AND AUTONOMY

Introduction

This project concerns a deeply contested moral ideal: autonomy. To be autonomous is to have authority over one's self and to govern one's life on the basis of value commitments one deems important.[1] Autonomy is a concept that plays a prominent role in several subfields of philosophy, including political philosophy, where there is a debate over the role of autonomy in liberalism. It's no secret that all liberal theorists regard autonomy as an important moral ideal. Indeed, we can say that the "basic organizing idea" of liberalism is the following, namely "the fundamental value of an individual's rationally and autonomously pursuing or embracing those things she judges to be worthwhile."[2] In other words, liberal theorists think that it is valuable for individuals to be autonomous, to shape their lives freely and as they see fit. Liberal theorists, however, disagree over what this commitment to autonomy means for liberal theorizing.[3] This disagreement emerges over two key questions. First, liberal thinkers

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[1] When I refer to "value commitments," I intend this is to include religious or philosophical beliefs, moral ideals, moral principles, and character traits.

[2] John Christman, *Social and Political Philosophy: A Contemporary Introduction*, New York: Routledge, 2002, 96.

[3] I follow Jonathan Quong's formulation of these two debates. See *Liberalism Without Perfection,* (Oxford: Oxford University Press, 2011), especially chapter 1, 15-16.

disagree over whether a necessary feature of liberalism is a claim about the good life. In particular, is liberal theory itself based upon a particular ideal such as the autonomous life? Call this the character question.[4] Second, liberal thinkers disagree over the role of the liberal state in promoting the good life to its citizens. More precisely, should the liberal state promote the autonomous life? Call this the practice question.[5]

While there are four main liberal theories, each of which provides different answers to these two questions, my project will focus upon one theory in particular: antiperfectionist comprehensive liberalism (henceforth APCL). APCL distinguishes itself from other liberal views because it answers the character and practice questions by appeal to the ideal of personal autonomy. Defenders of APCL claim that 1) liberal theory is committed to an ideal of personal autonomy as an intrinsically valuable way of life and that 2) the state should remain neutral and refrain from the active promotion of valuable ways of living over other reasonable alternatives, in the interest of protecting personal autonomy. One of the most prominent defenses of APCL in the literature is offered by Will Kymlicka and I focus exclusively on his view in this project.[6] Here's why. While Kymlicka appeals to the ideal of autonomy in his liberalism, he is not clear about which theory of autonomy he is appealing to. As a result, his theory of autonomy is sketchy and

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[4] Quong identifies this as the first question "about the fundamental character of liberal philosophy," which he poses in the following way: "Must liberal philosophy be based in some particular ideal of what constitutes a valuable or worthwhile life, or other metaphysical beliefs?" (*Liberalism Without Perfection*, 15).

[5] Quong identifies this as the second question "about the practice of liberal states," (16), which he poses as follows: "Is it permissible for a liberal state to promote or discourage some activities, ideals, or ways of life on grounds relating to their inherent or intrinsic value, or on the basis of some other metaphysical claims?" (*Liberalism Without Perfection*, 15).

[6] Kymlicka's first articulation of his view is in *Liberalism, Community, and Culture*, Oxford: Oxford University Press, 1989. See also *Multicultural Citizenship*, New York: Oxford University Press, 1995.

incomplete. As an autonomy theorist, I argue that Kymlicka must be clear about the theory of autonomy he has in mind when he incorporates the ideal in his liberalism. After all, there are several different theories of autonomy, each with its own motivating assumptions and standards for what counts as an autonomous choice. In addition, it is important to be clear on the theory of autonomy one incorporates in his view of liberalism, because, in some cases, the standards for autonomy may be inconsistent with one's liberal commitments. So, the primary aim of my project is to explain what theory of autonomy is operating implicitly in Kymlicka's liberalism. I explain each of these theories of autonomy briefly in this chapter, but I can say now that there are four main accounts in the literature: proceduralist, strong substantivist, weak substantivist, and socio-relational. These exhaust the kinds of views of autonomy in the literature, so Kymlicka's view must be one of these. The central claim of my project is this: I argue that Kymlicka's view of autonomy in his liberalism is socio-relational.

I think if we are clear on the standards for autonomy associated with Kymlicka's liberalism, then this will serve two important ends. First, my project is bringing to the surface something important for Kymlicka's view: the account of autonomy he incorporates in his theory of liberalism is socio-relational. Two, identifying the standards for autonomy associated with Kymlicka's account of liberalism will provide a novel way for him to respond to his critics. I devote this chapter to elaborating on the fundamental aspects of Kymlicka's liberalism, after which I provide summaries of the ensuing chapters.

Antiperfectionist Comprehensive Liberalism

I begin this section with a disclaimer: I am proceeding on the admittedly controversial assumption that liberal theorists ought to endorse Kymlicka's view of liberalism. I acknowledge that critics of Kymlicka's liberalism have raised serious concerns about the viability of the position.[7] I leave a full-scale defense of Kymlicka's particular approach to liberal theory for another time, but let me say this briefly. I think part of the reason why theorists are critical of Kymlicka's account of liberalism stems from misunderstandings about the view itself. In particular, I think that theorists misunderstand the role that autonomy plays in Kymlicka's liberalism and we can trace this confusion in part to the incomplete account of autonomy Kymlicka incorporates within his view. Accordingly, this provides some of the motivation behind my project.

A second disclaimer: while I discuss only Kymlicka's defense of APCL in this project, it would be a mistake to think that APCL is "one single theory."[8] While Kymlicka offers one prominent defense of the view, there are others, including John Locke, *Theory of Justice*-era John Rawls, and Ronald Dworkin.[9] Nevertheless, however one defends the theory, any account of APCL grant unique privilege to the ideal of autonomy in *personal and political life*. We see evidence of this in how APCL theorists

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[7] Quong in particular has raised one of the most recent critiques of APCL in general. See *Liberalism Without Perfection*, 22-26.

[8] Quong, *Liberalism Without Perfection*, 24.

[9] John Locke, *Two Treatises of Government*, Ian Shapiro, ed., New Haven, CT: Yale University Press, 2003; John Rawls, *A Theory of Justice*, Cambridge, MA: Harvard University Press, 1971; Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality*, Cambridge, MA: Harvard University Press, 2002. Following Quong, I include Dworkin as an APCL theorist, even though his account of liberalism is couched in a defense of equality, not autonomy *per se*, because his "'challenge model' of the good life...plays a similar role to autonomy," (Quong, *Liberalism Without Perfection*, 19, fn. 14.)

respond to the character and practice questions. Let's consider how Kymlicka responds to these key questions.

First, the character question: Is liberalism based on a view about what constitutes a good or flourishing life? As I noted, APCL theorists usually refer to personal autonomy when answering this question. However, Kymlicka offers a unique answer to the character question. Even though Kymlicka is an APCL theorist, the ideal of personal autonomy plays only an indirect role in his formulation of liberalism.[10] To be sure, Kymlicka thinks that autonomy is a valuable ideal, but he doesn't regard autonomy as valuable for its own sake.[11] Rather, Kymlicka claims that autonomy is instrumentally valuable because it contributes to our essential interest in leading an objectively good life. According to Kymlicka, it is this essential interest – and not autonomy as such – that "forms the basis of liberal political theory."[12]

What is an objectively good life on Kymlicka's view? Kymlicka doesn't offer a particular account of the good because he thinks there is a wide range of objectively good lives that individuals can lead. But, Kymlicka *does* claim that for *any* objectively good life, it must be led from the inside.[13] According to Kymlicka, "no life goes better by being led from the outside according to values the person doesn't endorse. My life only

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[10] Kymlicka, *Liberalism, Community, and Culture*, 10-13.

[11] As Kymlicka notes in *Liberalism, Community, and Culture*, some theorists (notably Rawls) suggest that our essential interest (or 'higher order interest', in Rawls's terminology) "is in our capacity to form and revise our rational plans of life," (11). In other words, Rawls is saying that our essential interest lies in being autonomous. But, Kymlicka (following Ronald Dworkin) claims that "this puts the cart before the horse," (12). Here, Kymlicka quotes Dworkin: "Our higher-order interest is not an interest in exercising a capacity because we find that we have it...but rather we develop and train capacities of the sort that [they] describe *because* we have a certain interest," namely the interest in leading a life that is good (12, emphasis mine).

[12] Kymlicka, *Liberalism, Community, and Culture*, 13.

[13] Kymlicka, *Liberalism, Community, and Culture*, 12.

goes better if I'm leading it from the inside, according to my beliefs about values."[14] Liberal theorists refer to this as the endorsement constraint and it is important to note that Kymlicka regards it as a fundamental aspect of his liberalism for the following reason. While each of us has an essential interest in leading an objectively good life, it is also possible that we are mistaken about what constitutes this kind of life. It is easy to understand how we might make this error. Identifying the beliefs that we think matter most is a difficult, sometimes agonizing, task. We have limited reasoning faculties and sometimes we reason incorrectly, so the value commitments we hold may not lead us to live an objectively good life. Sometimes, we simply change our minds, so the value commitments we identify today may not be right for us in the future. We must make difficult decisions, yet we know we are fallible. However, even if we are (or can be) in the wrong about what the good life consists in, other people cannot step in and correct our errors, in hopes of making our life go better. On Kymlicka's view, the endorsement constraint prevents us from intervening in this way. A person who isn't leading his life from the inside, i.e. who is coerced by external factors to hold or reject certain beliefs, will not be leading a good life. A person must lead his life from the inside, even if he is leading his life according to objectively bad values. So, when does a person lead his life from the inside? According to Kymlicka, one of the necessary conditions for leading life from the inside is that one is autonomous. In other words, a person must be able to self-govern on the basis of what he thinks are valuable pursuits and moral ideals, even if these pursuits and ideals are "wrong" from some better perspective.

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[14] Kymlicka, *Liberalism, Community, and Culture,* 12.

How, then, does Kymlicka understand the ideal of autonomy? According to Kymlicka, to be autonomous, one must have certain capacities.[15] In particular, one must have the ability to arrive at her values in the proper way and the ability to rationally revise one's good. Furthermore, to be autonomous, individuals require certain rights and liberties, and cultural conditions (e.g. freedom of the press, freedom of association) in order to exercise her capacities for autonomy.[16] For example, a liberal state grants political and civil rights to individuals, which rights provide them formal guarantees that they can (say) pursue whatever religious or philosophical beliefs they wish without persecution.

Let's put all of these claims together. As an APCL theorist, Kymlicka claims that liberalism is based upon the idea that each of us has an essential interest in leading an objectively good life. For any objectively good life, it is led from the inside, because a person's life only goes well when she leads it from the inside, according to values she deems important from her own perspective. One necessary condition for leading life from the inside is that one is autonomous. Thus, being autonomous is a necessary condition for leading an objectively good life.

However, while autonomy plays only an indirect role in Kymlicka's liberalism, it is an important feature of his overall view. As I stated earlier, it is my claim in this project that Kymlicka's account of autonomy is incomplete. As an autonomy theorist, I think that there is more Kymlicka can say to elaborate on the view of autonomy operating in his theory of liberalism. Kymlicka hasn't explained whether his view is procedural,

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[15] Kymlicka, *Liberalism, Community, and Culture*, 13.

[16] Kymlicka, *Liberalism, Community, and Culture,* 13.

strong substantivist, weak substantivist, or socio-relational and these exhaust the kinds of views of autonomy in the literature, so Kymlicka's view must be one of these. We need to know what kind of view of autonomy Kymlicka is advocating because there are different standards for different views, and the standards for autonomy tell us what conditions must obtain in order that a person counts as autonomous. Moreover, the standards associated with some views of autonomy are inconsistent with certain liberal commitments, so it is important for Kymlicka to be clear about what theory of autonomy he is endorsing in his liberalism.

So far, I've explained Kymlicka's answer to the character question and now I turn to examining his answer to the practice question. What role, if any, should the state play in promoting the good life to its citizens? Some liberal theorists say that the state should be perfectionist.[17] Perfectionism is the claim that humans have a particular nature and that, given this nature, there are goods any human must have, in order to lead an excellent life. For example, one might think that the capacity for rationality is an essential part of human nature and that it is a perfectionist good for individuals to develop their rational capacities.[18] Along the same lines, a perfectionist liberal view holds that the state is justified in identifying and advancing through its policies and laws objectively good human ways of living, regardless of whether individuals recognize or endorse that way of

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[17] Some of perfectionist comprehensive liberalism's most prominent defender are Joseph Raz , *The Morality of Freedom*, Oxford: Clarendon Press, 1988; William Galston, *Liberal Purposes: Good, Virtues, and Diversity in the Liberal State*, Cambridge: Cambridge University Press, 1991; Stephen Wall, *Liberalism, Perfectionism, and Restraint*, Cambridge: Cambridge University Press, 1998.

[18] Steven Wall, "Perfectionism in Moral and Political Philosophy," *Stanford Encyclopedia of Philosophy*, http://plato.stanford.edu/entries/perfectionism-moral/ , accessed June 6, 2013.

living as good, though within the boundaries of justice.[19] Defenders of perfectionist liberalism claim that the state plays an *active* and *essential* role in evaluating and promoting particular ways of living over others (and penalizing those who favour less worthy ways of life). In contrast, Kymlicka thinks that the liberal state should maintain a neutral position between objectively good ways of living endorsed by individuals. This means that the state is not justified in actively promoting certain ways of living over others to citizens or in justifying its day-to-day policies and laws by appeal to certain conceptions of the good. According to Kymlicka, the role of the state is to provide and regulate a neutral framework in which citizens can pursue their good. Negatively, this means that the state cannot evaluate or make judgments about citizens' conceptions of the good (provided that these conceptions are "justice-respecting").[20] If a person's conception of the good is "justice-respecting" – even if one's life is characterized by (say) vulgarity or misanthropy – then it is not the place of the state to weigh in on whether that conception really is worthy of pursuit or whether the person pursing it merits resources.[21]Positively, the state is responsible for protecting individuals' capacity for

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[19] John Christman, *Social and Political Philosophy: A Contemporary Introduction*, 104. In other words, perfectionist liberal states cannot force or coerce individuals into accepting one set of beliefs or values over another. Indeed, given that liberals from Locke onward have argued against the effectiveness of forcing citizens to profess or reject a particular faith, it seems that the PCL state *should* avoid using coercion. But, some critics wonder whether it is possible for the perfectionist liberal state to refrain from coercing citizens to accept a particular way of life, even if perfectionist liberalism is constrained by liberal ideals. See Alfonso J. Damico, "What's Wrong with Liberal Perfectionism," *Polity*, Vol. 29, No. 3 (Spring 1997), 397-420, 399.

[20] The term "justice-respecting" is Kymlicka's, *Contemporary Political Philosophy: An Introduction*, *Second Edition*, p. 217. I say more about this in Chapter 5.

[21] Of course, even if some people are leading immoral but "justice-respecting" lives, it is open to others around her to "remonstrate with these people, reason with them, entreat them, persuade them, and if that does not work, avoid their company. But it is not a reason for compelling them or taking political action to visit upon them any evil or disadvantage if they will not mend their ways," Jeremy Waldron,

autonomy, so that they can determine for themselves what counts as a worthy conception of the good, without state intrusion, and the state has a positive duty to provide equally to citizens the proper means and resources to pursue *whatever* their "justice-respecting" conceptions of the good.[22]

How does Kymlicka defend neutrality? It will be instructive to identify, in order to set aside, one possible argumentative strategy. While some liberal thinkers claim that neutrality is (or ought to be) defended by appeal to sceptical considerations,[23] Kymlicka rejects this line of thinking. He does not advocate neutrality because we are unable to know whether certain conceptions of the good are more valuable than others.[24] Instead, Kymlicka offers three different lines of argument to defend neutrality. I consider these in depth in Chapter 5, but I'll state them now. First, Kymlicka argues that perfectionist state action violates the endorsement constraint and it is self-defeating to violate it. Second, he argues that perfectionist state action interferes with individuals' autonomy, in particular with the ability to rationally revise one's good. Lastly, Kymlicka argues that perfectionist actions distort the cultural marketplace of ideas. Based on these considerations against state perfectionism, Kymlicka concludes that neutrality is preferable, i.e. a state which doesn't actively promote certain ways of living over others or justify its policies and laws on the basis of certain conceptions of the good.

"Autonomy and Perfectionism in Raz's *Morality of Freedom*," *Southern California Law Review*, Vol. 62, 1989, 1098-1152, 1133-1134.

[22] Kymlicka, *Contemporary Political Philosophy: An Introduction*, *Second Edition*, 217-8.

[23] See Brian Barry, *Justice as Impartiality*, New York: Oxford University Press, 1989, 169-182.

[24] As Kymlicka points out, "scepticism does not in fact support self-determination. If people cannot make mistakes in their choices, then neither can governments. If all ways of life are equally valuable, then no one can complain when the government chooses a particular way of life for the community. Hence scepticism leaves the issue unresolved," (*Contemporary Political Philosophy: An Introduction*, *Second Edition*, 214).

Kymlicka faces two kinds of criticisms directed toward his stance on state neutrality. First, political liberals like Jonathan Quong argue that liberal views such as Kymlicka's are inconsistent.[25] How can Kymlicka claim that the liberal state ought to be neutral *and* justify neutrality by appeal to a normative ideal like autonomy? Isn't neutrality clearly violated by this move? The second line of criticism comes from perfectionist comprehensive liberals like Joseph Raz, Thomas Hurka, and Richard Arneson and they argue that Kymlicka's position on neutrality is incoherent. If Kymlicka claims that all individuals have an essential interest in leading a good life, why should the state remain neutral? That is, why shouldn't the state take steps to actively ensure that citizens really are leading good lives? In this project, I think that by getting clear on Kymlicka's theory of autonomy and the role it plays in his liberalism, Kymlicka will be in a better position to respond to his critics.

Chapter Outlines

As I stated at the outset, the central claim of this project is that Kymlicka's view of autonomy in his liberalism is socio-relational. What is notable about a socio-relational view of autonomy is that it claims a person's autonomy is largely constituted by her social conditions, although certain psychological states are also necessary for autonomy. As we shall see, Kymlicka's view of autonomy must endorse these particular kinds of standards for autonomy as well. Put differently, I will argue that Kymlicka cannot endorse any view of autonomy *except for* a socio-relational view.

In Chapter 2, I argue that Kymlicka's view cannot be proceduralist. Roughly, a proceduralist theory of autonomy claims that a person is autonomous if she subjects (or

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[25] Quong, *Liberalism Without Perfection*, 22-26.

would subject) her value commitments to the "right" process of critical reflection.[26] Put another way, proceduralist views say that if a person's psychological states meet certain standards, then this is both necessary and sufficient for autonomy. While proceduralist theorists disagree over how to understand this process, such theories have been the dominant view in the literature since the 1970s.[27] Part of the appeal of proceduralist theories is that they are *content-neutral*. A content-neutral view of autonomy does not require autonomous individuals to hold particular kinds of value commitments. What

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[26] Some of the most prominent defenders of proceduralism are John Christman, Gerald Dworkin, Marilyn Friedman, Diana T. Meyers, and Andrea Westlund.

For Christman, see "Autonomy and Personal History, *Canadian Journal of Philosophy* 20 (1990) 1-24; "Liberalism and Individual Positive Freedom," *Ethics* 101 (1991), 343-359; "Relational Autonomy, Liberal Individualism, and the Social Constitution of Selves," *Philosophical Studies* 117 (2004): 143-164; "Procedural Autonomy and Liberal Legitimacy," in James Stacey Taylor (ed.) *Personal Autonomy: New Essays on Autonomy and Its Role in Contemporary Moral Philosophy*, New York: Cambridge University Press, 2005; "Autonomy, Self-Knowledge, and Liberal Legitimacy," in Joel Anderson and John Christman (eds.), *Autonomy and the Challenges to Liberalism,* Cambridge: Cambridge University Press, 2005; *The Politics of Persons. Individual Autonomy and Socio-historical Selves*, Cambridge: Cambridge University Press, 2009.

For Dworkin, see *The Theory and Practice of Autonomy*, New York: Cambridge University Press, 1988.

For Friedman, see M. "Autonomy and Social Relationships: Rethinking the Feminist Critique," in Diana Tietjens Meyers (ed.) *Feminists Rethink the Self* Boulder, CO: Westview, 1997; *Autonomy, Gender, Politics* New York: Oxford University Press, 2003.

For Meyers, "Personal Autonomy and the Paradox of Feminine Socialization," *Journal of Philosophy* 84 (1987): 619:628; *Self, Society and Personal Choice,* New York: Columbia University Press, 1989; "Feminism and Women's Autonomy: The Challenge of Female Genital Cutting. *Metaphilosophy* 31 (2000): 469-491; "Intersectional Identity and the Authentic Self. Opposites Attract!" in Catriona Mackenzie and Natalie Stoljar (eds.) *Relational Autonomy: Feminist Perspectives on Autonomy, Agency and the Social Self*, New York: Oxford University Press, 2000; *Gender in the Mirror: Cultural Imagery and Women's Agency*. New York: Oxford University Press, 2002; "Decentralizing Autonomy: Five Faces of Selfhood," in Joel Anderson and John Christman (eds.), *Autonomy and the Challenges to Liberalism,* Cambridge: Cambridge University Press, 2005.

For Westlund, see "Rethinking Relational Autonomy," *Hypatia* 24 (2009): 26-49.

[27] See Harry Frankfurt "Freedom of the Will and the Concept of a Person," *The Journal of Philosophy*, Vol. 68, No. 1, January 1971, 5-20; Gerald Dworkin "Acting Freely," *Nous*, 4 (November), 1972, 367-383 ; Gary Watson, "Free Agency," *Journal of Philosophy*, 72 (8), 1975, 205- 20.

matters for autonomy is that a person engages in the right sort of critical process. This means that individuals can hold a wide range of value commitments and count as autonomous. Proceduralist views are attractive because they set only minimal standards for autonomy related to a person's critical abilities; as a result, individuals have great latitude with respect to the kinds of values they can hold and qualify as autonomous. However, because proceduralist views claim that psychological standards are necessary and sufficient for autonomy, this means that a person's social conditions don't play a role in establishing whether a person is autonomous. Put another way, defenders of proceduralism are claiming that social conditions are conceptually irrelevant for determining whether a person qualifies as autonomous. However, I will argue that Kymlicka doesn't regard the social conditions as conceptually irrelevant for autonomy. I will argue that Kymlicka see social conditions as (at least partly) constitutive of a person's autonomy. If this line of thinking is correct, then his view of autonomy cannot be proceduralist.

If Kymlicka's view of autonomy incorporates social conditions as constitutive for autonomy, one might think that he is offering a strong substantivist account of autonomy.[28] While theorists offer different interpretations of these views, we can say roughly that strong substantive accounts hold that critical reflection is necessary but not sufficient for autonomy. Defenders of these views introduce substantive constraints on

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[28] Among those who defend strong substantive views are Susan Babbitt, "Feminism and Objective Interests: The Role of Transformation Experiences in Rational Deliberation," in *Feminist Epistemologie*s, Linda Alcoff and Elizabeth Potter eds., New York: Routledge, 1993; Natalie Stoljar, "Autonomy and the Feminist Intuition," in *Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self*, Catriona Mackenzie and Natalie Stoljar, eds., New York: Oxford University Press, 2001, 94-111; Susan Wolf, "Asymmetrical Freedom," *The Journal of Philosophy* 77 (1980), 151-166. Some autonomy theorists argue that Thomas Hill is a strong substantivist theorist, on the basis of claims he makes in *Autonomy and Self-Respect* Cambridge: Cambridge University Press, 1991. However, in Chapter 3, I question whether this is the case.

the *content* of the value commitments an autonomous agent is permitted to endorse. On this view, a person must engage in critical reflection *and* her choices and preferences are subject to certain normative constraints. In particular, her choices and preferences must "hook up" in the proper way with an objective feature of the world, e.g. that she is a moral equal. However, I argue in Chapter 3 that because strong substantivist places restrictions on the kinds of choices and preferences that autonomous agents can hold, this is inconsistent with one aspect of Kymlicka's view, namely his commitment to the endorsement constraint.

After rejecting strong substantivist standards as inconsistent with Kymlicka's liberalism, I consider next a relatively recent view introduced in the literature, namely weak substantivism.[29] On this view, a person is autonomous if she critically reflects upon and endorses her value commitments in the proper way *and* holds the right kind of psychological attitudes toward her agency. Weak substantive accounts are supposed to be preferable to strong substantive and proceduralist views because they allow agents to hold a wide range of value commitments (even oppressive ones) while incorporating normatively robust standards. In other words, weak substantive theories carve a middle path between proceduralist and strong substantive views, retaining the positive aspects of these views while avoiding the problematic aspects. I argue that weak substantivism fails

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[29] For weak substantive views, see Paul Benson, "Feminist Intuitions and the Normative Substance of Autonomy," in *Personal Autonomy: New Essays on Personal Autonomy and its Role in Contemporary Moral Philosophy*, ed. James Stacey Taylor, New York: Cambridge University Press, 2005, 128-142; Paul Benson, "Taking Ownership: Authority and Voice in Autonomous Agency," in *Autonomy and the Challenges to Liberalism: New Essays*, John Christman and Joel Anderson, eds., Cambridge: Cambridge University Press, 2005; Sigurdur Kristinsson, "The Limits of Neutrality: Toward a Weakly Substantive Account of Autonomy," *Canadian Journal of Philosophy*, 30 (2) June 2000, 257-286.

to provide a meaningful alternative theory of autonomy. My argument will proceed in two steps. First, I will argue that weak substantive standards are too weak to avoid the objection raised by proceduralist views of autonomy. As a result, I suggest that weak substantive views must incorporate more normatively rigorous standards in order to meet the objection. However, I will argue that the introduction of these standards will collapse weak substantivism into strong substantivism. This is because both views will count the *very same cases* as autonomous and nonautonomous. In other words, I am arguing that there is a distinction without a difference between weak substantive and strong substantive theories. From there, I present the second part of my argument. Because strong substantive standards are inconsistent with an important aspect of Kymlicka's liberalism and because weak substantive standards collapse into strong substantive standards, Kymlicka's view of autonomy in his liberalism is not weak substantive.

Given that proceduralism, strong substantivism, weak substantivism, and socio-relational views exhaust the kinds of views autonomy in the literature and if Kymlicka's view is not proceduralist, nor strong substantivist, nor weak substantivist, then his view of autonomy must be socio-relational. I defend this claim in Chapter 4 and to make my argument, I appeal to Marina Oshana's account of socio-relational autonomy.[30] According to this view, autonomy is largely constituted by the social conditions in which a person is embedded. A person is autonomous when her social conditions allow her to exercise *de facto* authority over her life. According to Oshana, a socio-relational view of autonomy is attractive because it avoids the problems that plague the other dominant views of autonomy and is more in line with our considered intuitions about what it is to

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[30] Marina Oshana, *Personal Autonomy in Society*, Burlington, VT: Ashgate Publishing, 2006.

be autonomous. However, I argue that Oshana's account of autonomy imposes restrictions on the kinds of value commitments an individual can hold and qualify as autonomous. In other words, Oshana's view of autonomy is not content-neutral. If this line of thinking is correct, then this poses a serious problem, not only for her view, but for the central claim of my project as well. To avoid these problems, I argue that we can modify Oshana's socio-relational view by incorporating content-neutrality. While this will weaken the standards for autonomy, I will argue that this move allows Oshana to avoid serious objections to her view and allows me to preserve my claim that Kymlicka's account of autonomy is socio-relational.

However, one long-standing criticism against Kymlicka's particular approach to liberalism is that it cannot consistently maintain a commitment to neutrality.[31] Here's why. As we have seen, defenders of APCL (such as Kymlicka) say that liberalism is based upon an idea of the good life. But, critics claim that once we based liberalism upon a claim about what a flourishing life consists in, the state *cannot help but to act for perfectionist reasons*, i.e. to act to ensure that individuals really lead flourishing lives. If the state cannot refrain from acting in this way, in what sense, then, is the liberal state *neutral*? This problem seems to be exacerbated if I am right that Kymlicka incorporates a socio-relational theory of autonomy in his liberalism. By endorsing a socio-relational view of autonomy, Kymlicka is making a claim not only about the goodness of autonomous living, but about the kinds of social relations in which citizens ought to live. It seems transparently clear that Kymlicka is making perfectionist claims within his liberalism. Moreover, if these social relations are found to be lacking in the sense that

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[31] Quong, *Liberalism Without Perfection*, 22-26.

they prevent autonomous living, it seems the state is justified in stepping in to enact policies and laws that address the state of these social conditions. In doing so, however, the state would be appealing to controversial reasons to justify these laws and policies. In other words, Kymlicka's view is inconsistent because it endorses both perfectionism and neutrality.

In Chapter 5, I respond to this concern. First, I argue that we must be clear on precisely what "neutrality" is and what kinds of actions that a neutral state may take without violating its commitment to neutrality. While some theorists have characterized the neutral liberal state as "indifferent" toward its citizens, I think this way of describing the state is not only incorrect, it is misleading.[32] Instead, we should understand neutrality as consisting of two commitments: neutrality of aim and neutrality of justification. Furthermore, I will argue that while Kymlicka's critics are correct to say that his liberalism incorporates both perfectionist and antiperfectionist aspects, there is no inconsistency.

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[32] Chandran Kukathas, "Liberalism and Multiculturalism: The Politics of Indifference," *Political Theory*, Vol. 26, No. 5, October 1998, 686-699.

CHAPTER 2

PROCEDURALIST THEORIES OF AUTONOMY

Introduction

I said earlier that, in rough terms, proceduralists regard autonomy as a psychological feature of an agent and thus claim that the standards or criteria for autonomy are *internal* or *psychological* in nature. Many autonomy theorists maintain that proceduralism represents the most reasonable and most intuitive view of autonomy, even if they disagree over how to cash out these standards. What is especially notable about such views, however, is the following, namely that proceduralists argue that internal or psychological standards are both *necessary and sufficient* for autonomy. According to proceduralists, our evaluations about a person's autonomy depend solely upon the kinds of psychological states that result (or could result) from engaging in the right sort of critical reflection. No other considerations play a role in deciding whether a person is autonomous, including the kinds of social conditions in which a person lives.

In this chapter, I will elaborate on John Christman's proceduralist account, which he refers to as an historical approach to autonomy. Indeed, throughout this project, I focus on Christman's account for the following reasons. For one, autonomy theorists regard it as one of the most influential accounts of proceduralism in the literature. For another, Christman has developed and refined his view partly in response to the problems facing other proceduralist conceptions of autonomy. In what follows, then, I understand

Christman's view as representative of proceduralism, while also acknowledging that other theorists may conceptualize the view in slightly different terms.

My goal in this chapter is to argue that Kymlicka's view of autonomy he employs in his theory of liberalism cannot be proceduralist. This is because Kymlicka and proceduralist theories are at odds over the role of social conditions in a theory of autonomy. As I will discuss in this chapter, while proceduralist theorists like Christman regard social conditions as only causally related to any reasonable theory of autonomy, Kymlicka views social conditions as part of the defining conditions for autonomy. Given that there is this deep disagreement between proceduralism and Kymlicka's view of autonomy, his view cannot be proceduralist. To establish my claim, I examine Christman's account of proceduralism in "Christman on Proceduralism" and Kymlicka's view of autonomy in "Kymlicka and Proceduralism." However, before this, I think it will be instructive to examine briefly the debate among autonomy theorists about the role of social conditions in a theory of autonomy.

Autonomy and the Social World

In the 1980s, theorizing about autonomy took a "social turn," wherein theorists began to take seriously the idea that social factors ought to play a central role when we think about and conceptualize autonomy.[33] The "social turn" was fruitful for theorists, for it introduced new concepts and engendered new ways of thinking about autonomy and the autonomous agent. My aim here is not to rehearse them all but I want to consider two

[33] Theorists generally regard Jennifer Nedelsky as the first theorist who argued for this claim. See "Reconceiving Autonomy: Sources, Thoughts, and Possibilities," *Yale Journal of Law and Feminism*, Vol. 1, 1989, 7-36.

important claims made by autonomy theorists. In turn, these remarks will shed light on understanding why proceduralists conceptualize autonomy in the way that they do.

First, theorists proposed a new understanding of the individual who was capable of autonomy. With the "social turn," autonomy theorists challenged the historically prevalent, traditional conception of the solitary, self-sufficient autonomous individual as a myth. In its place, theorists introduced the "social self" and an important part of this shift was to make apparent both the capacities and limitations of persons. Contrary to the traditional conception of the self, individuals capable of autonomy were not "social atoms," independent from social influences and relations with others, but rather, as persons who are embedded within particular networks of social relations and who are (to a large extent) shaped by their social environment. Traditional conceptions of the self envisioned the rational and emotional capabilities of individuals as boundless: individuals could engage in radical self-creation, rationally selecting their ends and value commitments[34] from a wide-range before them and were seen as capable of ignoring or setting aside entirely interpersonal relations, if one deemed it necessary to achieve one's ends. In contrast, autonomy theorists now conceptualize the self more modestly, in that they do not regard individuals as *capable* of engaging in that kind of radical self-creation. According to the "social self" thesis, individuals do not "make themselves" *ex nihilo* by self-determining their ends and value commitments, but rather, they are constructed by their interactions with other individuals in the social sphere. Moreover, theorists pointed out that individuals do not in any robust sense "choose" their value commitments from a vast array of possibilities, but rather that individuals "find" or "recognize" the values that

[34] A person's value commitments can refer to her philosophical or religious beliefs, character traits, or preferences.

matter to them as a result of being embedded with social relations. Furthermore, theorists claimed that the self cannot be separated from the social, historical, and physical location in which it is embedded. In other words, individuals could not escape the social forms and relations that influenced their self-development. Yet, most theorists caution against interpreting this claim to suggest that external forces totally determine individual selves or that changing particular aspects of oneself is impossible. Rather, it is *because* selves are embedded in this manner that makes it possible for selves *to become* selves in the first place or to alter or transform identity-conferring aspects of the self. That is, being embedded within a particular social, historical, and physical location provides a frame of reference for individual selves and supplies the "resources" needed when an individual imagines herself otherwise.

However, while this embeddedness plays a crucial role for knowing oneself and knowing the world, a significant limitation also emerges. The social self, unlike the traditional conception of the self, has limited rational and reflective abilities because it is embedded. Agents cannot, as it were, fully "step back" from their own particular location, to reflect uninfluenced by their own perspective. One's critical reflections will be piecemeal, partial, and incomplete and this includes reflections upon one's own psychological states. Aspects of one's identity may not be immediately accessible to one via introspection and one's perception and assessment of one's psychological states may not be veridical.[35]

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[35] Iris Marion Young observes: "Because the subject is not a unity, it cannot be present to itself, know itself. I do not always know what I mean, need, want, desire, because meanings, needs, and desires do not arise from an origin in some transparent ego." See *Justice and the Politics of Difference*, Princeton: Princeton University Press, 1991, 231-2.

Along with the new concept of the individual-as-socially-constructed, theorists also turned their attention to the nature of autonomy itself. Some theorists suggested that if the "social turn" shifted our understanding of the agent, then our concept of autonomy ought to be re-thought as well. In thinking about the concept of the person, theorists asked: how do social conditions influence individual self-development? Now, in thinking about the concept of autonomy itself, these theorists asked: how do external social conditions relate to the concept of autonomy? By social conditions, I refer to the wide range of phenomena that govern the relations between individuals as well as determine the kinds of ends individuals might pursue. Social conditions might refer to economic systems as well as religious traditions, social norms and institutions, and cultural and artistic practices. Among autonomy theorists, the debate over social conditions concerns the role that social conditions play when we conceptualize autonomy. Do social conditions play a *background* role in autonomy? If so, then we needn't reference social conditions when deciding whether a person is autonomous. Or is it the case that social conditions are *part of the definition of autonomy*, such that if these conditions were deficient or absent altogether, then individuals would fail to count as autonomous?[36]

According to the proceduralist, social conditions are part of the background conditions for autonomy, rather than part of the definition of autonomy. Another way to understand the proceduralist position is to say that social conditions are *causally* necessary for autonomy as opposed to *conceptually* necessary, and here is the

[36] Both a strong substantivist theory of autonomy and a socio-relational theory make this claim. I discuss these views in Chapters 3 and 4, respectively.

difference.[37] The proceduralist would identify education or an adequate range of options as important background conditions for autonomy because the former can contribute to or impede the development of a person's capacity for autonomy while the latter can contribute to effective critical reflection on one's value commitments. However, in the final analysis to determine whether one is autonomous, proceduralists consider *only* one's psychological states, and *not* the particular background features of one's social environment. On the proceduralist view, the explanation for why a person counts as autonomous has nothing to do with external social conditions.

How, then, does the proceduralist defend the claim that conditions focused on an agent's critical reflections (rather than her external conditions) are necessary and sufficient for autonomy? Defenders of proceduralism claim that the view is motivated by two, different intuitions about autonomy. The first intuition is this: autonomy seems to require a large space of noninterference in which individuals can identify and pursue their good as they see fit. Proceduralist theorists argue that one important way to capture this intuition is to exclude social conditions in the definition of autonomy. After all, requiring that autonomous agents live in particular kinds of social conditions reduces the space of noninterference because some conditions will be deemed as incompatible with autonomous living. However, if we identify relatively thin conditions for autonomy, this provides to individuals the greatest possible space to self-govern, or to identify and to live according to the beliefs they deem valuable.

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[37] Holger Baumann makes the same distinction in "Reconsidering Relational Autonomy: Personal Autonomy for Socially Embedded and Temporally Extended Selves," *Analyse and Kritik*, 30 (2008), 445-468, 447-448.

The second intuition that motivates proceduralism is this: value commitments "are valid for a person when she can autonomously come to see their import."[38] Here's what I take the proceduralist to be saying: unless I decide and endorse my values from my own perspective, I will not see the significance of these values for myself. We can put the point another way: when someone or something external to my perspective determines the values I should endorse, I cannot see the validity of these values for myself. According to its defenders, proceduralist views capture this intuition in another important feature of the view: proceduralist theorists place no normative restrictions on the kinds of value commitments autonomous agents can endorse or the kinds of choices they can make. This is why autonomy theorists refer to proceduralist accounts as *content-neural.* There is no "right" set of beliefs or value framework that an individual must endorse to be autonomous. Instead, what matters for a person's autonomy is that she engages (or could engage) in the proper critical processes. Proceduralism denies that it has a complete perspective, decided in advance, on the *kinds* of lives an autonomous agent might lead but rather, leaves it up to agents to determine how they might live. Proceduralism simply identifies a decision-procedure for autonomy, rather than a prescription for the good life, and this ensures that individuals are living according to values they endorse from their own perspective.

Christman on Proceduralism

So far, I've made only general remarks about the proceduralist view of autonomy and the intuitions behind it. It is my claim that Kymlicka's view of autonomy is not proceduralist, but before I make this argument, I want to expand upon Christman's

[38] Christman, "Procedural Autonomy and Liberal Legitimacy," 281.

particular conception of proceduralism. However, one might ask: why consider only Christman's view, especially given that there are other proceduralist views in the literature? As I mentioned earlier, Christman has refined his view over a long period of time, so autonomy theorists regard it as a sophisticated view that bears out the two motivating intuitions I mentioned above.[39] Nevertheless, whether I consider one account of proceduralism or all of them, my overarching point would remain the same: Kymlicka's view of autonomy can't be proceduralist and this is true of *any* account of proceduralism. So, in making my argument about Kymlicka's view of autonomy, my argument is not that there is something about Christman's view in particular which explains why Kymlicka's view is not proceduralist. If this was my claim, then we could simply appeal to another proceduralist view in the literature.

As I mentioned earlier, proceduralists view autonomy as an internal, psychological phenomenon. To put the proceduralist position somewhat crudely, autonomy is a function of "what is happening in your mind," rather than "what is happening in your external environment." We can clarify what the proceduralist position by considering the following scenario.[40] Jane lives within a community which is characterized by gendered social hierarchies and which subscribes to very traditional gender roles as a matter of religious faith. In Jane's community, women are strictly wives and mothers, while men are pursue careers outside the home. While women are expected to manage the households and raise children without complaint, they are also expected to "submit" to their husband's authority in all important economic, social, and sexual

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[39] Christman first elaborates on his historical view in 1990 in "Autonomy and Personal History."

[40] I take this example from the Quiverfull community. See Kathryn Joyce, *Quiverfull: Inside the Christian Patriarchy Movement*, Boston: Beacon Press, 2009.

decisions, as well as decisions about how many children they will have. Women are required to be subordinate to male authority because women in Jane's community are regarded as inferior to men, both socially and spiritually. Certainly, some of us, including proceduralists, may recoil at these kinds of social relations, not only because they are deeply inegalitarian, they also seem oppressive. Nevertheless, Jane is fully committed to her community and her faith, and she thinks that the social arrangements in which she lives are the best kind of social relations to live in. Is Jane autonomous with respect to her value commitment to female subordination?

On Christman's proceduralist account, this answer would be "yes," providing that Jane meets (or could meet) the following conditions. If Jane were to reflect critically upon her value commitment, in light of the historical processes by which it arose, and would not feel alienated from it, then she is autonomous.[41] If a person's reflections would produce a sense of alienation, then she is nonautonomous with respect to that commitment.[42] Like other proceduralist accounts, Christman's view emphasizes reflective competency and agential authenticity as necessary components of autonomy. Competency conditions ensure that a person is self-governing while authenticity

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[41] Christman's most recent defense of his view is in *The Politics of Persons*. As Christman notes, his earlier formulation of his view of autonomy claimed that a person is autonomous relative to a value commitment provided that she approves of or would not resist the historical processes by which it arose. Some of Christman's critics, however, argued that a person's attitude toward the historical processes that give rise to her value commitments isn't as relevant for autonomy as her attitude toward the commitments themselves. For example, Al Mele argues that a person could be raised to hold particular religious commitments in a very restrictive social environment and accept her commitments while rejecting the kind of upbringing to which she was subject (*Autonomous Agency: From Self-Control to Autonomy*, New York: Oxford University Press, 1995, 138-139). Christman acknowledges this point and this is why he changes his view of autonomy to place more importance on reflection upon the value itself given its historical development, rather than merely the development itself.

[42] Notice that I say she is nonautonomous with respect to that commitment. It's important to make this kind of distinction because even if a person isn't autonomous with respect to one value commitment, this doesn't render her nonautonomous as such.

conditions ensure that the governing is "her own." So, on the one hand, the conditions for competency "pick out those characteristics by which a person effectively makes competent decisions," and these include "rationality, self-control, freedom from psychosis and other pathologies, access to minimally accurate information, motivational effectiveness and the like."[43] On the other hand, the conditions for authenticity refer to "requirements that the person's values and decisions are truly her own; these most often include the condition that persons reflect on their personal characteristics and identify with (or at least not feel deeply alienated from) them."[44] But, unlike some other proceduralist accounts, Christman's view is an *historical* approach to autonomy. I think it will to be helpful at this point to make some brief observations about Christman's reasons for adopting an historical account of autonomy in the first place.

Many proceduralist theorists have defended what is referred to as a "hierarchical" account of autonomy. On this view, a person must engage in second-order reflection on her first-order value commitments claim and endorse them or identify with them, in order to be autonomous.[45] Hierarchical views have been very influential in the literature, largely in part to their intuitive appeal. If autonomy is self-governance on the basis of values that are "one's own," then hierarchical views seem to provide a reasonable procedure for identifying and endorsing one's values. Moreover, hierarchical views are

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[43] Christman, "Autonomy, Self-Knowledge, and Liberal Legitimacy," 333.

[44] Christman, "Autonomy, Self-Knowledge, and Liberal Legitimacy," 333.

[45] The most well-known advocate of this type of view is Harry Frankfurt in "Freedom of the Will and the Concept of a Person." For example, suppose that I have a (first-order) preference to attend school and earn a degree. Frankfurt's hierarchical theory of autonomy would say that I am autonomous with respect to this preference provided that I reflect upon it at the second-order level – "Do I want to want to attend school?" If, after reflecting, I decide that I want to want this and that I endorse this preference as my own, then I am autonomous with respect to it.

content-neutral. What matters for autonomy is that individuals submit their values to the proper critical evaluations, and not the substantive content of these values. Nevertheless, even critics sympathetic to proceduralism have raised several objections against hierarchical views, but rather than rehearse all of them, I consider two here because they will shed further light on Christman's motivations behind his historical view of proceduralism.

First, a problem with hierarchical accounts is that they cannot account for the following intuition, namely that if a person endorses her value commitments as a result of oppressive socialization or manipulation, then she is not autonomous.[46] For example, suppose that all of my value commitments were implanted in me two days ago by a malevolent neurosurgeon. Suppose further that I reflected upon and endorsed my first-order value commitments at the second-order level. On a hierarchical view, I would count as autonomous, but this is counterintuitive. I may have reflected on and endorsed "my" commitments, but given that I hold my values simply on the basis of what the neurosurgeon decided, it seems odd to say that these are *my* values. Similarly, suppose I have been oppressively socialized to hold certain beliefs about the rightness of gender hierarchy. Even if I reflect upon my first-order commitments at the second-order level and thus count as autonomous, many theorists think this is counterintuitive. This is because individuals who are oppressively socialized are trained to identify with the values and beliefs that arise from their socialization. As such, it's not clear whether an oppressively socialized individual's reflections are "her own" or the product of her oppressive upbringing. Christman agrees with these criticisms of hierarchical accounts,

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[46] Christman, *The Politics of Persons*, 137.

but thinks that incorporating historical conditions – that is, conditions concerning the historical process by which an individual acquires her values – will render hierarchical accounts more intuitively appealing.[47] On Christman's view, the historical constraint works to ensure that individuals who are oppressively socialized or manipulated by malevolent neurosurgeons do not count as autonomous by considering the process behind the formation of their beliefs.

Second, critics of hierarchical views have taken issue with the idea of "identify with." As Christman notes, "the notion of 'identification' is problematically ambiguous between acknowledgement and endorsement."[48] On the one hand, I might aim to be a more generous person and identify with this trait, but my failure to be generous "should not disqualify [me] from being autonomous."[49] On the other hand, I might identify with my preference for smoking cigarettes as "part of who I am" but identifying with this particular preference does not seem to establish my autonomy. Moreover, identification is too rigorous to allow for the possibility that a person might feel *ambivalent* toward her value commitments. As Christman points out, some of us have "elements of the self" which we would not reject but which we do not regard as "ideal from our point of view."[50] Put another way, some of us have traits that we do not identify with fully but acknowledge as "part of who we are." Nevertheless, Christman argues that ambivalence shouldn't make a person nonautonomous, so Christman aims to identify a conception of

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[47] Christman, *The Politics of Persons*, 137.

[48] Christman, *The Politics of Persons*, 143.

[49] Christman, *The Politics of Persons*, 143.

[50] Christman, *The Politics of Persons*, 143.

autonomy that "capture[s] this reality."[51] These considerations lead him to think that nonalienation is the proper test for determining whether a person is autonomous because nonalienation doesn't require that individuals identify whole-heartedly with their value commitment. Alienation, in the sense Christman intends, picks out a *reaction* to one's value commitment in question. This reaction isn't ambivalence or indifference but rather that one feels *constrained* by a value commitment and wants to reject it.[52] Notice that Christman conceptualizes alienation as a necessary "combination of judgment and affective reaction."[53] This distinguishes Christman's view in another way from standard accounts of proceduralism, which he claims are "overly cognitive...stressing the ability to make rational, detached, and calculative judgments about the acceptability of a trait."[54] So, a person must critically reflect on her commitment but her judgment about its acceptability has an affective aspect to it.

There are three other important aspects of Christman's view of reflection besides the cognitive and affective components. First, as we have already noted above, reflection is *counterfactual*: an individual isn't required to reflect in order be autonomous. Rather it must be true of her that if she *did* reflect on her value commitment she *would* endorse it. Second, it is *piecemeal* because an individual does not have to reflect upon *all* of her

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[51] Christman, *The Politics of Persons*, 143.

[52] Christman, *The Politics of Persons*, 143. Christman emphasizes a page later that "the key element of such alienation is this resistance, the anxious sense that the fact in question is constraining..." (144).

[53] Christman, *The Politics of Persons*, 144.

[54] Christman, *The Politics of Persons*, 144.

value commitments, but rather only the commitment in question.[55] Third, an individual's analysis of the value commitment in light of its historical development is (in Christman's terms) "fully subjective."[56] The appraisal, in other words, depends upon her own attitude toward the value commitment, rather than relying upon judgments or values that are independent of her perspective.

What is important to notice about all of these conditions, however, is that they make no reference to "what is happening in the social environment." Rather, the conditions for autonomy on a proceduralist view make reference only to an individual's psychological processes and states. What this means is that proceduralists think that it is possible even for Jane to be autonomous, even though she lives within highly restrictive, traditional social arrangements, because autonomy from the perspective of proceduralism is not about adopting the "right" value commitments or living in the "right" social relations.[57] Rather, autonomy is about engaging in the proper critical reflection and adopting the right sort of attitudes toward one's value commitments.

To be clear, however, Christman acknowledges that social conditions might *interfere* with the development or the exercise of a person's capacity for autonomy.[58] Given this, Christman also places further constraints on the competency conditions for

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[55] The motivation for the "piecemeal" reflection requirement stems from theorists' criticisms that it is neither possible nor desirable for an individual to critically reflect upon all of one's value commitments, particularly those that one regards as self-defining and unrevisable. See Michael Sandel, *Liberalism and the Limits of Justice*, New York: Cambridge University Press, 1982.

[56] Christman, *The Politics of Persons*, 142.

[57] The idea that it is possible for any individual to be autonomous, provided she reflects in the right way and regardless of her social conditions, might strike some as counterintuitive and I consider this line of thought in Chapter 3.

[58] Christman, *The Politics of Persons*, 146.

autonomy, i.e. those related to the characteristics necessary for effective decision-making. Christman stipulates further that a person's reflections cannot be "the product of social and psychological conditions that prevent adequate appraisal of oneself."[59] This means that one must be free from certain factors (e.g. blinding rage, drug or alcohol addiction, depression) and one must have the ability and the freedom to evaluate aspects of one's personality and social conditions, which requires that one has "minimal education" and "exposure to alternatives."[60] Thus, if an agent is critically reflecting upon her value commitments, but she is under the psychological sway of a powerful cult leader, she would not count as autonomous on Christman's account, even if she felt no alienation toward her commitments. Nevertheless, the inclusion of these constraints on the competency conditions for autonomy does not change the proceduralist theorist's underlying assumption, namely that, in the final analysis, what establishes whether a person is autonomous is a function of her *psychological states and not her social conditions.* Proceduralist theorists such as Christman deny that social conditions are part of the defining conditions for autonomy, but acknowledge that social conditions can interfere with the development or exercise of a person's autonomy. For proceduralists, then, social conditions play only a causal role in the debate over autonomy.

Kymlicka and Proceduralism

In this section, I argue that the view of autonomy Kymlicka incorporates in his theory of liberalism is not a proceduralist view. To make my case, I begin by considering the following argument. At first glance, one might think that Kymlicka's view of

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[59] Christman, *The Politics of Persons*, 146-147.

[60] Christman, *The Politics of Persons*, 147.

autonomy is proceduralist because Kymlicka's account and proceduralism share two important motivating assumptions. As we saw above, proceduralism is motivated by the intuition that a person's values are valid for her only when she endorses them from her own perspective. This is why defenders of proceduralism maintain that any reasonable theory of autonomy should be content-neutral. Autonomy shouldn't require that individuals endorse (or reject) particular values in order to be autonomous because individuals will not recognize the import of values deemed "right" by an external perspective. Along the same lines, at the heart of Kymlicka's view of liberalism is the idea that each of us has an essential interest in leading a good life.[61] But, as Kymlicka argues, I live a good life only when I am leading it on the basis of beliefs I identify as valuable. Liberal thinkers refer to this as the "endorsement constraint": there is no way of living that is good for me unless I endorse it from my own perspective.[62] This is why autonomy is crucial for Kymlicka's formulation of liberalism because being autonomous helps individuals identify what is valuable.

Kymlicka also recognizes, however, that it is possible for individuals to be mistaken about what is valuable and "no one wants to lead a life based on false beliefs."[63] But, even if a person can be mistaken in this way, it does not follow that his life will go better if he is compelled to live his life according to values he doesn't endorse. Rather, his life goes better only when he is "leading it from the inside, according to [his] beliefs

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[61] Kymlicka, *Liberalism, Community, and Culture*, 10.

[62] Ronald Dworkin states that "my life cannot be better for me in virtue of some feature or component I think has no value," *Sovereign Virtue: The Theory and Practice of Equality*, 268.

[63] Kymlicka, *Multicultural Citizenship*, 84.

about value."[64] So, on Kymlicka's view, individuals not only must have the critical and reflective capacities necessary to determine one's values in order to be autonomous, they must also have the ability to rationally revise their beliefs about what is valuable.[65] According to Kymlicka, in order for a person to have this ability, he must have access to information about his options, as well as a minimal level of education to be able to think about his options in an intelligent and informed manner. On Kymlicka's view, then, autonomy requires that individuals have the space to figure out whether their current values are the values they want to hold and to change their minds and pursue different values. So, I think it's reasonable to say that Kymlicka shares the proceduralist intuition identified above: autonomy requires a wide space of noninterference in which individuals can identify and pursue their values. Nevertheless, even though both Kymlicka and the proceduralist accept the intuition that autonomy requires a wide space of noninterference, they disagree over how to cash out this intuition. Put another way, they differ over how to create this space.

As we have seen, Christman argues that this wide space is created by making the conditions for autonomy as thin as possible. For Christman, this means excluding social conditions from the definition of autonomy. On Christman's view, to impose normative restrictions on the kinds of social conditions in which autonomous individuals must live only serves to *narrow* the space of noninterference and thus may prevent some individuals from pursuing their good as they see fit. For example, if we say that a person's social conditions cannot be characterized by relations of domination and

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[64] Kymlicka, *Liberalism, Community, and Culture*, 12.

[65] Kymlicka, *Multicultural Citizenship*, 84.

subordination in order for her to be autonomous, it is difficult for Jane to pursue her beliefs about the rightness of female subordination.

In contrast, while Kymlicka seems to share to the intuition that autonomy requires a wide space of noninterference, he seems to think that excluding social conditions from the definition of autonomy will only serve to threaten this space. Put another way, I argue that Kymlicka rejects the idea that social conditions are only causally related to a theory of autonomy and instead thinks that social conditions are partly *constitutive* of autonomy. This means that if certain social conditions are missing from a person's life, then that person does not qualify, by definition, as autonomous. To make my argument, I want to return briefly to Christman's claim about the role of social conditions in autonomy. As we have seen, proceduralists think that social conditions can *cause* or *impair* the development of a person's capacity for autonomy. Proceduralists have been particularly interested in the way in which oppressive social conditions can interfere with a person's capacity for autonomy.[66] But, proceduralists also suggest that it is both empirically and logically possible for a person to live in oppressive social conditions *and* be autonomous, provided she exercises (or can exercise) her capacity for autonomy in the proper way. This is why someone like Jane can count as autonomous on the proceduralist view. While we might question whether this understanding of the relation between oppression and autonomy is sound, I don't consider this debate here.[67] For our purposes, the take-home message with respect to proceduralism and oppressive social conditions is this. Because it

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[66] For informative discussions about this issue, see Meyers, "Feminism and Women's Autonomy: The Challenge of Female Genital Cutting," and Friedman, *Autonomy, Gender, Politics*.

[67] Critics of proceduralism's take on oppression and autonomy include Stoljar, "Autonomy and the Feminist Intuition," and Anita Superson, "Deformed Desires and Informed Desire Tests," *Hypatia* 20 (4) Fall 2005: 109-126.

is both empirically and logically possible on the proceduralist view for a person to live in an oppressive social environment and be autonomous, this means that certain social conditions *can be absent altogether*. For example, the proceduralist view can allow that a person is both autonomous and at the same time denied certain rights and freedoms, provided she is not denied the opportunity to develop and exercise her capacity for critical reflection. However, I argue that Kymlicka rejects this view.

To understand why, recall that, on Kymlicka's view, leading a good life requires leading it from the inside on the basis of values one identifies as important and this requires that one is autonomous. To be autonomous, Kymlicka claims that "individuals *must* therefore have the resources and liberties needed to lead their lives in accordance with their beliefs about value, without fear of discrimination or punishment."[68] Because individuals *must* have these conditions to be autonomous, liberal states are required to uphold the individual's right to privacy and remain neutral or refuse to promote a particular moral framework.[69] In addition, Kymlicka argues that autonomy requires that individuals "be free to question those beliefs, to examine them in light of whatever information, examples, and arguments our culture can provide. Individuals *must* therefore have the conditions necessary to acquire an awareness of different views about the good life, and an ability to examine these views intelligently."[70] Because individuals *must* have these conditions to be autonomous, the liberal state must grant to individuals various rights and freedoms, such as freedom of association, conscience, and expression and

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[68] Kymlicka, *Multicultural Citizenship*, 81, italics mine. For a similar statement, see *Liberalism, Community, and Culture,* 12-13.

[69] I address the issue of neutrality and Kymlicka's view of liberalism in Chapter 5.

[70] Kymlicka, *Multicultural Citizenship*, 81, italics mine.

mandates a minimum level of education for all individuals, for these rights and freedoms make it possible for individuals to learn about other ways of living and value frameworks and to assess them critically.

So what can we conclude about Kymlicka's statements about what individuals "must" have to be autonomous? I suggest that they provide evidence that he rejects the idea that social conditions are only causally related to autonomy and instead thinks that they are partly constitutive of autonomy. Without these conditions in place, a person is not autonomous by definition on Kymlicka's view. For example, I must have the right to privacy to be autonomous for without this right, I may be persecuted for holding unconventional beliefs. If I am fearful of persecution, I may not follow my preferred beliefs but rather hold whatever beliefs are deemed "proper." But, if I am leading my life on the basis of beliefs that I do not regard as valuable, then I am not autonomous. Along the same lines, I must have freedom of conscience to be autonomous for without this right, I may be prevented from questioning my socially inherited beliefs. If I am not permitted to engage in this kind of questioning, I may be leading my life on the basis of beliefs I do not deem as valuable from my own perspective. If so, I am not leading my life from the inside, according to what I deem as valuable, and so I am not autonomous. If I'm not autonomous, then I am not leading a good life.

However, we have seen that proceduralists maintain that individuals may qualify as autonomous in *any* kind of social environment, even one characterized by oppressive conditions. If so, then it must be the case on the proceduralist view that individuals can live in an environment without the various rights and freedoms Kymlicka discusses in his view and still be autonomous. However, given that Kymlicka denies that a person can be

autonomous without these rights and freedoms, then the view of autonomy he incorporates in his view of liberalism cannot be proceduralist.

Concluding Remarks

In this chapter, I have argued that the view of autonomy Kymlicka incorporates in his theory of liberalism cannot be proceduralist. This is because proceduralism denies that social conditions are part of the defining conditions of autonomy. In other words, the kinds of social conditions in which a person lives do not determine (or partly determine) whether she is autonomous. Only a person's psychological states matter for determining a person's autonomy. Proceduralist theorists claim that a person's social conditions play only a causal role in the development of a person's capacity for autonomy. However, as I have argued, Kymlicka denies that social conditions are only causally related to autonomy. Rather, I made the claim that Kymlicka maintains that social conditions are part of the defining conditions for autonomy and that they must obtain in order for a person to be autonomous. If I am right that Kymlicka views social conditions in this way, then he is not offering a proceduralist view in his liberalism. Instead, he is offering what autonomy theorists refer to as a substantive account of autonomy because it claims that social conditions are partly constitutive of autonomy. However, just as there are conceptual variations in theories of autonomy, there are different substantive views. In the following chapter, I consider what theorists refer to as a strong substantive view of autonomy.

CHAPTER 3

STRONG AND WEAK SUBSTANTIVE THEORIES OF AUTONOMY

Introduction

In the previous chapter, I concluded that Kymlicka's view of liberalism does not incorporate a proceduralist view of autonomy. As I argued, Kymlicka's account of autonomy claims that social conditions are part of the definition of autonomy, yet this is what proceduralist views deny. I claimed in the conclusion of Chapter 2 that because Kymlicka introduces social conditions as part of the defining conditions of autonomy, his view of autonomy must be substantive. However, as I noted previously, there are different interpretations of substantivist accounts of autonomy, so we need to establish which view Kymlicka employs in his theory of liberalism. In this chapter, I have two main goals. First, I elaborate on one important substantivist view in the literature: strong substantivism. I discuss this in more detail shortly, but for now: on this view, a person must engage in the proper critical reflection *and* her choices and preferences are subject to certain normative constraints. As we will see, Kymlicka's view of autonomy is not a strong substantivist view, because it offers different substantive conditions for autonomy than those offered by the strong substantivist. However, my claim isn't simply that these two views are dissimilar. Rather, I contend that strong substantivism is incompatible with another aspect of Kymlicka's liberalism, namely the endorsement constraint. This

constraint, which we considered in Chapter 2, holds that a person's life doesn't go better if it is led from the "outside," according to beliefs he doesn't endorse. Because Kymlicka regards the endorsement constraint as a fundamental feature of his liberalism, he cannot incorporate a theory of autonomy which infringes on this constraint.

My second aim in this chapter is to introduce another substantivist theory of autonomy, which theorists refer to as a weak substantive view. I elaborate in greater detail shortly, but for now we can note that such views claim that a person is autonomous if she critically reflects in the right way and she holds the right psychological attitudes toward herself. One might wonder why I'm not devoting a separate chapter to weak substantive views, given that I am doing so for the other main accounts of autonomy. However, my reasons for doing so will become clear when I develop my argument against weak substantivism. According to its defenders, weak substantive views are attractive because they seem to escape the problems raised by proceduralism and strong substantive views and thus provide a more reasonable account of autonomy than its rivals. Here, I argue that weak substantive theories fail to do this. I will argue that the weak substantivist view collapses into strong substantivism and so does not represent a viable alternative view of autonomy. If so, then Kymlicka's account of autonomy in his liberalism cannot be a weak substantivist view, because weak substantivist views are merely strong substantivist views in disguise and I will have shown that Kymlicka's view of autonomy cannot be strong substantivist.

All autonomy theorists grapple with what I shall call the "content" question: Should a theory of autonomy place direct restrictions on the content of an agent's value commitments, e.g. her choices, preferences, beliefs, and character traits? Imposing these

kinds of restrictions would require autonomous individuals to make (or avoid making) certain choices or to hold (or avoid holding) certain preferences. As I noted above, strong substantivists answer "yes" to this question. Proceduralists, however, answer "no" to the content question. As we noted in Chapter 2, proceduralists are guided by the intuition that a person's values are valid for him only when he endorses them from his own perspective. If a theory of autonomy requires that individuals accept (or reject) a particular value, there is the possibility those individuals don't regard that value as important from their own perspective. So, proceduralists think it is counterintuitive for a theory of autonomy to impose normative constraints on the content of an individual's value commitments. In this chapter, I elaborate upon a second concern proceduralists raise with respect normative content in a theory of autonomy. According to Christman, a theory of autonomy which imposes normative restrictions on the content of individuals' choices and preferences run the risk of justifying paternalistic intervention in their lives.

On the face of it, it appears that proceduralist critics raise compelling concerns about placing such restrictions on the content of choices and preferences. Moreover, as we will see, other autonomy theorists who aren't proceduralists also take issue with strong substantivism for imposing these restrictions. Indeed, all other views of autonomy – *except for strong substantivism* – maintain that it is inappropriate to place direct restrictions on the kinds of value commitments an autonomous individual can endorse. It appears, then, that strong substantivists face an uphill battle in defending the appeal of the view, given that most autonomy theorists reject its central claim. My first task is to elaborate strong substantivism in more detail, while also providing considerations in favor of the view.

Strong Substantivism and Proceduralism on Oppressive Values

Why think that a theory of autonomy should place direct restrictions on the kinds of value commitments an autonomous agent can endorse? To make a case for this claim, it will be helpful to return to proceduralism, given that this view denies outright that a theory of autonomy should incorporate any normative restrictions on value commitments. This is why autonomy theorists refer to proceduralist views as *content-neutral*: they take no stand on the kinds of value commitments an autonomous agent must endorse. However, strong substantivist critics of proceduralism maintain that content-neutrality leads to counterintuitive implications.[71] To understand what these implications are and why proceduralism leads to them, let's turn to a divisive issue for autonomy theorists: agents who hold value commitments with oppressive content. These represent hard cases because it's not clear whether acting on these commitments *diminish* a person's autonomy and, if so, how. Can a person make choices on the basis of oppressive value commitments and be autonomous? To understand what I mean by oppressive value commitments, let's return to the example of Jane in the previous chapter. Recall that Jane preferred to submit to her husband's authority in all important matters on the grounds that her religious beliefs dictated this. While autonomy theorists would agree that Jane's value commitment to subordination is oppressive because it deems Jane to be in a morally subordinate position, theorists disagree over whether it is possible for Jane to hold and act on her commitment and count as autonomous. I noted previously that proceduralists like Christman would deem Jane's choice to be subordinate as autonomous, just in case she

[71] To be clear, all critics of proceduralism raise this objection against the view, regardless of the theory of autonomy to which they subscribe. But, autonomy theorists offer different ways to get around the counterintuitive implications, depending upon which theory of autonomy they defend.

exhibits (or would exhibit) reflective competence and holds (or would hold) the right psychological attitudes toward her preference, were she to reflect on that preference. On proceduralist views, the content of her commitment is irrelevant for establishing whether she is autonomous. Another so-called hard case for autonomy theorists is an agent who prefers not simply subordination, but *slavery*. Clearly, a commitment to slavery is oppressive because it regards some individuals not simply as morally inferior, but *less than human*. However, because proceduralists are committed to content-neutrality, they are committed to the view that even *a slave can turn out to be autonomous*, provided he is reflectively competent and would hold the right psychological attitudes toward his value commitment for slavery, were he to reflect upon it in the proper way.

However, because proceduralism makes room for the possibility of autonomous subordinated wives and (especially) autonomous slaves, strong substantivist critics regard the view as deeply counterintuitive. It's important to be clear on where the counterintuitive implication arises for the strong substantivist. The issue here isn't the historical process by which Jane or the slave arrived at their value commitments or the social environment in which they are embedded. Nor is the issue that Jane or the slave are incompetent reasoners or that the content of their value commitments prevents them from critically reflecting in the proper way. (Of course, this might be the case, but, for the strong substantivist, this is not why proceduralism leads to counterintuitive implications.) Rather, strong substantivists argue that proceduralism is counterintuitive because content-neutrality seems to lead to a paradox. On the one hand, proceduralists hold that individuals are autonomous when they identify and make choices on the basis of preferences determined as valuable from their own subjective point of view. Indeed,

proceduralists claim that this is their guiding intuition in formulating their theory of autonomy. On the other hand, because proceduralism upholds content-neutrality, it is a consequence of the view that autonomous individuals can prefer, and make choices on the basis of, subordination or slavery. But, these are ways of living in which an individual *does not and cannot determine her preferences and values from her own point of view*. How can a person be autonomous, i.e. decide her preferences and values from her own perspective, when others decide them for her?

Given that proceduralism seems to result in a paradox, strong substantivist theorists suggest that our theorizing about autonomy should be guided by another intuition: that some ways of living are *incompatible* with autonomy and living as a subordinate wife or a slave seems to be *paradigmatic examples of these ways of living*. For strong substantivists, this incompatibility between autonomy and some ways of living arises because of the *content of the value commitments* that undergird these ways of living, and not because of how these commitments were formed, e.g. through oppressive socialization.[72] If we are guided by this intuition, then, we are led to formulating a theory of autonomy which places normative restrictions on the content of an agent's preferences

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[72] I owe this formulation of the strong substantivist view to Natalie Stoljar. See "Feminist Perspectives on Autonomy," *Stanford Encyclopedia of Philosophy*, section 8 (forthcoming). I should note that Stoljar attributes the argument above to Thomas Hill and suggests in this entry that Hill is a strong substantivist theorist on the basis of his arguments about the Deferential Wife in his paper "Servility and Self-Respect," (*Autonomy and Self-Respect*, Cambridge: Cambridge University Press, 1991, 15). However, it's not clear to me that this is an accurate interpretation of his view. For one thing, Hill argues in this paper that the Deferential Wife is *servile* because she fails to respect herself as a moral agent, but he says nothing about whether she lacks autonomy. For another, Hill's own view identifies seven conditions for autonomy, none of which say anything about holding the "right" preferences and making the "right" choices. In fact, given that his seventh condition is that individuals "have ample opportunities to make use of these [other six] conditions in living a life over which they have a high degree of control," I think there is an argument to be made that Hill's view is socio-relational, not strong substantivist. This is because this seventh condition requires that certain social conditions obtain in order for a person to be autonomous. I leave this line of reasoning for another paper. For Hill's account of autonomy, see "Autonomy and Benevolent Lies," in *Autonomy and Self-Respect*, 25-42, especially 36.

(or, put another way, it must reject content-neutrality). This move not only sidesteps the paradox that arises for proceduralist accounts, it also means that subordinate wives and slaves will *never* turn out to be autonomous on strong substantivist views. It is important to note, however, that the strong substantivist isn't saying that the *mere fact* that a person holds preferences with the "wrong" content makes her nonautonomous. Rather, strong substantivists are claiming that if a person holds a preference for subordination *and* she acts on this preference, *then* she is not autonomous. Here's why. According to defenders of the view, individuals who choose subservience or slavery make "a special kind of moral mistake."[73] For example, Jane's moral error stems from the fact that she makes a choice which denies her standing as a moral equal. Strong substantivists say that the *reason* Jane makes this error is due to the content of Jane's preference for subordination. The content prevents her psychology from "hooking up" or corresponding to an objective feature of the world, namely the fact that she *is* morally equal. A person *is* autonomous on the strong substantivist view if she critically reflects in the proper way and avoids holding the "wrong" preferences and making the "wrong" choices. If a person has the "right" preferences, this will ensure that her psychology is "hooking up" to the world in the proper way, and so will ensure that she makes the "right" kinds of choices, e.g. a non-subordinate life.

I've argued in the previous chapter that Kymlicka's account of autonomy in his liberalism in not a proceduralist view. Here, I want to argue a strong substantivist view is incompatible with Kymlicka's view. To make my case, let's begin by considering the following line of thought. One might wonder: why can't Kymlicka simply "add" a

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[73] Stoljar, "Feminist Perspectives on Autonomy," *Stanford Encyclopedia of Philosophy*, section 8 (forthcoming).

normative restriction condition to the set of conditions he identifies as necessary for autonomy? After all, strong substantivism is attractive because it can explain a moral problem with oppression: it creates and upholds relations of domination and subordination between persons thus denying the equal moral standing of persons. Given that liberals like Kymlicka oppose these kinds of relations, perhaps liberals *should* adopt a strong substantivist view of autonomy. To provide further support for this line of thought, recall Kymlicka's own observations about the foundations of liberalism.

On his view, each of us has an essential interest in leading a good life and it is this interest which forms the basis of liberal political theory. There is a difference, however, between leading a life that *is* good and leading a life that one *believes* to be good. For Kymlicka, it is possible that *anyone* can be mistaken about what the good life consists in and this possibility explains why each of us deliberates, even agonizes, over significant decisions.[74] We deliberate because we know we are the kinds of beings prone to making errors in reasoning or we know we may come to regret our choices, even if everything goes according to our rationally decided plan. I may be successful at something, but it doesn't follow that I have good reason to continue on this path or think it is a valuable way to live.[75] Indeed, Kymlicka points out that we devote a good deal of time and concern ourselves with thinking about our projects and values and this "only makes sense on the assumption that our essential interest is in living a good life, not the life we currently believe to be good...it is important to us that we not lead our lives on the basis

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[74] As Kymlicka notes, "We may come to see that we've been wasting our lives, pursuing trivial or shallow goals and projects that we had mistakenly considered of great importance. This is the stuff of great novels," (*Liberalism, Community, and Culture*, 10).

[75] Kymlicka: "I may succeed brilliantly at becoming the best pushpin player in the world, but then come to realize that pushpin isn't as valuable as poetry, and regret that I ever embarked on that project," (*Liberalism, Community, and Culture*, 11).

of false beliefs."[76] Let's put these thoughts together. There are some ways of living that are objectively better than others and each of us has an essential interest in leading an objectively good life. Because we can be mistaken about our good, this is why Kymlicka argues that it is necessary for us to be autonomous because being autonomous can help us to come to know what is valuable.[77] As we have seen, Kymlicka claims that autonomy requires individuals to have 1) the ability to arrive at our beliefs through a process of rational reflection, 2) the ability to rationally revise our beliefs, should we decide they are no longer worthy of holding, and 3) the social conditions necessary for exercising these abilities. However, the question facing us is this: why can't Kymlicka incorporate a fourth condition for autonomy, one which places restrictions on the value commitments individuals can endorse? After all, Kymlicka thinks that there are objectively good ways of living, so why not embrace a theory of autonomy which clearly specifies these ways of living (or, at least, specifies objectively bad ways of living to avoid)? Furthermore, as Kymlicka himself points out, people sometimes make mistakes about what is valuable, choosing conceptions of the good that are not in fact worthwhile. Why, then, can't Kymlicka appeal to a theory of autonomy that precludes people from holding and acting upon the wrong preferences? If the ultimate goal is for individuals to lead good lives, then why not endorse a theory according to which people are autonomous only if they adopt the values and preferences that ensure they lead good lives?

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[76] Kymlicka, *Liberalism, Community, and Culture*, 11.

[77] The fact that it is possible for us to come to know what is valuable also explains why Kymlicka rejects the claim that liberalism is based upon scepticism about the good. In fact, he regards this line of criticism against liberalism as "a complete misinterpretation," (*Liberalism, Community, and Culture*, 18).

It is my contention that Kymlicka cannot "add" a normative constraint condition to his current theory of autonomy. Here's why. Kymlicka thinks that being autonomous and embracing objectively good values are both necessary for leading a life that is good, but they are not sufficient. For Kymlicka, there is *yet another* necessary condition for leading a good life: that one leads it from the inside, according to beliefs and preferences one deems important from one's own subjective perspective. As we noted above, Kymlicka refers to this as the endorsement constraint and enshrines it as a fundamental feature of his liberalism.[78] According to this constraint, a person's life goes well only if he leads it from the inside.[79] Conversely, a person's life *doesn't* go better if he leads it from the outside, according to values he doesn't endorse or regard as important from his own perspective. Kymlicka accepts the endorsement constraint on the grounds that it is self-defeating to force people to hold or reject certain preferences or beliefs in order that they lead a good life. Consider Kymlicka's own example.[80] Even if it is true that going to church is a valuable activity, we do not help individuals to lead objectively good lives by compelling them to go to church. This is because individuals who are forced to go to church will fail to see the good in going to church *for themselves*; as such, the activity of going to church will have no meaning for them and their lives won't go better.[81] People must identify their own reasons for endorsing a preference or belief; other people cannot supply that reason for them. As Kymlicka points out, "value rarely comes in form that

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[78] Kymlicka, *Liberalism, Community, and Culture*, 12-13.

[79] Kymlicka, *Liberalism, Community, and Culture*, 12.

[80] Kymlicka, *Contemporary Political Philosophy: An Introduction*, Second Edition, 216.

[81] Thomas Hurka puts the point this way: "An activity makes a person's life go better when it is valuable, but its being valuable requires that it be endorsed," "Indirect Perfectionism: Kymlicka on Liberal Neutrality," *The Journal of Political Philosophy*, Volume 3, Number 1, March 1995, 36-57, 40, fn. 12.

can be injected into a person."[82] Margaret Moore elaborates on this idea in the following way:

> Objective values, such as love or friendship or beauty, cannot merely be dispensed to people, X units for each person: the person must *feel* love or affection to realize the objective value of a fulfilling relationship or appreciate art to realize the objective value of beauty...it is important that the person feel a subjective commitment to these values in order to live a good life.[83]

So, if Kymlicka is committed to the endorsement constraint, why does this mean he cannot add a normative constraint condition? The normative constraint condition says, "Here are the kinds of preferences and beliefs people must avoid holding in order to qualify as autonomous, *regardless of whether they see the value or disvalue in these preferences and beliefs for themselves*." In other words, by identifying the "wrong" preferences, the normative constraint condition in effect "dispenses" preferences and beliefs to people. But, on Kymlicka's view, if people have their values "dispensed" to them from an external perspective, i.e. the normative constraint condition, then they are leading their lives from the "outside." If people are leading their lives from the outside, they are not leading them from the inside, according to values they deem important from their own perspective. If people are not leading their lives from the inside, they are not living lives that are good. This is because leading one's life from the inside is a necessary condition for leading a life that is good. So, this is why Kymlicka cannot add a normative constraint condition to his current theory of autonomy: it is incompatible with a key feature of his liberalism, i.e. the endorsement constraint. A normative constraint condition "dispenses" values to people, but Kymlicka denies that individuals lead lives

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[82] Kymlicka, *Liberalism, Community, and Culture*, 19, fn. 2.

[83] Margaret Moore, "Liberalism and the Good Life," *The Review of Politics,* Vol. 53, No. 4 (Autumn 1991), 672-690, 677, her emphasis.

that are good if they have values "dispensed" to them. If the normative constraint condition is incompatible with the endorsement constraint, Kymlicka cannot add this condition to his current theory of autonomy. As such, Kymlicka's view of autonomy cannot be strong substantivist.

Weak Substantive Autonomy

Recently, some autonomy theorists have argued for what they refer to as a weak substantive view of autonomy. This view is situated between strong substantivism and proceduralism. Like proceduralists, weak substantivists claim that a person must critically reflect in the proper way in order to count as autonomous. I'll say more shortly about why weak substantivist theorists think a reasonable account of autonomy must go beyond proceduralist standards. But, for now, let's note that defenders of weak substantivism claim further that a necessary condition of autonomy is that an autonomous agent holds the right kind self-regarding attitudes toward herself, e.g. a sense of self-worth as an agent.[84] Having the right kind of attitudes ensures that an agent critically reflects in the right way, for these attitudes ensure that an agent is capable of identifying the reasons for her actions.[85] Notice, however, that weak substantivist theorists are not saying that these attitudes are *causally* necessary for autonomy; rather, they are claiming that *a defining*

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[84] Benson argues that autonomous agents must have normative competence: they must "recognize and appreciate various norms that apply to their actions," ("Feminist Intuitions and the Normative Substance of Autonomy," 133).

[85] As Benson puts it, the "normative standards for agents' authority to construct and potentially answer for their reasons for acting enter into autonomy by way of the attitudes toward their own competence and worth through which agents claim such authority," ("Feminist Intuitions and the Normative Substance of Autonomy," 136.) Sonya Charles makes a similar point, noting that "Like procedural theories, weak substantive theorists rely mainly on an internal process of critical or self-reflection, but argue that the procedure will 'work' (yield an autonomous decision) only if the person has the proper 'self-trust' (or other self-reflexive attitudes,)" (411). See "How Should Feminist Autonomy Theorists Respond to the Problem of Internalized Oppression?" *Social Theory and Practice* 36 (3), July 2010, 409-428.

feature of autonomy is that an agent has a sense of self-worth. If a person lacks this attitude, then she is not autonomous, no matter how carefully she has critically reflected. So, like strong substantivism, weak substantivism claims there are *external conditions* (that is, conditions beyond an agent's psychology) that must obtain in order for a person to count as autonomous (in this case, these conditions refer to facts about an agent's competence.) But, unlike strong substantivism, weak substantivism doesn't place direct restrictions on the content of an agent's value commitments. This means that individuals can, in principle, endorse beliefs with *any* content, including hierarchical or oppressive value commitments like Jane's, provided they are competent reasoners and exhibit the right kinds of self-regarding attitudes.

So, to the "content" question, weak substantivist theorists would answer "no, *but*..." According to its defenders, weak substantive accounts are attractive for the following reasons. On the one hand, these views allow for greater leeway than strong substantive accounts with respect to the kinds of value commitments an autonomous agent can endorse, including hierarchical or oppressive value commitments. This is important because some individuals genuinely hold such values because while many of us may think such value commitments are morally problematic, weak substantive theorists share with proceduralists the intuition that autonomy requires a large space of noninterference. Individuals must have the practical and theoretical space to identify and pursue their good, even according to values others might regard as morally wrong or repugnant.

On the other hand, defenders claim that weak substantive accounts are preferable to proceduralist views because their standards incorporate *some* substantive content. Put

another way, defenders deny that an account of autonomy that incorporates purely proceduralist standards is sufficient. To understand why, it will be helpful at this point to introduce another standard objection against proceduralism. As we have seen, because such views maintain that reflective competence and the right kind of psychological attitudes are necessary and sufficient for autonomy, there is the possibility that deferential wives and slaves will turn out to be autonomous. This strikes some critics as deeply problematic, but the issue in this case is not the *content* of the preferences. (Recall that this is a concern for strong substantivists, but not for weak substantivist theorists.) The worry here is that it seems reasonable to think that oppressive socialization interferes with a person's capacity for autonomy, so it seems counterintuitive to say that Jane or the slave is autonomous. To be clear, the point here isn't that Jane's social training renders her *incapable* of critical reasoning. Rather, the concern is that Jane has been socially trained not only to value, but *to want* to value, subordination. Because Jane's social training has led her to *internalize* so deeply ideas about the "rightness" of female subordination, her critical endorsement of her values as "her own" may not be indicative of her autonomy as proceduralists claim. In other words, critics have doubts that proceduralist standards alone picks out autonomous agents.

Procedural theorists acknowledge that it is possible for certain factors to interfere with a person's critical faculties, such as one's social training, hypnosis, brainwashing, or manipulation by evil neuroscientists, in which case a person would not count as autonomous.[86] But, procedural theorists also maintain that it is possible social training will *not* interfere with a person's reflective capacities, even if she has been socialized to

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[86] John Christman, "Autonomy, History, and the Subject of Justice," *Social Theory and Practice*, 33 (1), January 2007, 1-26, 6.

value subordination. We can't assume that a person who wants to choose according to subordinate value commitments has compromised critical capacities as a result of her social training. Furthermore, because it is possible for a person to genuinely prefer subordination, a reasonable view of autonomy will make conceptual room for this possibility by positing only minimal standards for autonomy. What is important, then, is to identify an account of critical reflection fine-grained enough to pick out an agent whom it is reasonable to think endorses hierarchical value commitments as her "own" and yet can provide an effective filter to isolate agents who hold similar commitments but of whom it is reasonable to think does not hold those commitments as her own.

In response, critics might say the following to the procedural theorist: "You can refine the critical reflective process and introduce further constraints on the process to make it as fine-grained as you wish. But, this move does not address the worry that critics raise. The problem isn't that proceduralists have yet to identify the right critical reflection procedure; rather, the problem is that because the proceduralist standards as such are *so* minimal, there are people who meet them that seem, in an obvious, intuitive way to not be autonomous (e.g. they defer to their husbands in all decisions). For example, consider on Christman's view that a person must critically reflect in the right way on her value commitments and she must not feel a sense of alienation toward them. Suppose that Jane reflects carefully and thoughtfully upon the historical processes by which her value commitment to subordination arose. Suppose further that she would not resist these processes, even if someone *tells her* that she has been socially trained to hold value commitments that maintain oppressive relations of domination and subordination between men and women. But, here's the problem. When Jane is reflecting on her value

commitment to subordination, she would likely think, "I *should be* subject to the kind of *social* training that led me to have this value commitment. This is the way things *should be*. So, I wouldn't resist the processes by which my commitment to subordination arose and I don't feel alienated toward it." Because Jane has been trained to want to value subordination and accept the "rightness" of gender hierarchy, it is unlikely she *would* resist the historical process or that she *would* feel a sense of alienation toward her commitment. So, critics conclude, we can't be sure whether Jane's critical reflections secure her autonomy or whether she is simply reiterating the terms of her subordination.

According to defenders of weak substantivism, however, the introduction of self-regarding attitudes as necessary for autonomy gets around this problem raised by proceduralist views. On the one hand, weak substantivist theorists agree with proceduralists that we need to make room for the possibility of agents who endorse hierarchical or subordinate value commitments and also qualify as autonomous. But, in order to be satisfied that such agents are actually autonomous with respect to those commitments, we need to introduce conditions for autonomy beyond an agent's internal psychological states. A person has to have the right self-regarding attitude toward herself, which of course is a psychological state, but it is an objective feature of the world that she *actually has this attitude*. According to weak substantivists, the introduction of self-regarding attitudes provides an effective way to filter out agents who endorse hierarchical beliefs from agents whose endorsement of the same kinds of beliefs may not be genuine. If a person has a sense of her self-worth as an agent, that is, if she regards herself as

worthy of being "the author of her own conduct,"[87] then she is autonomous (provided she meets the further reflective competence condition as well.)

Weak Substantive Autonomy: A New Way?

While proponents are confident that weak substantive views represent the way forward beyond the impasse between procedural and strong substantive views over the "content" question, I am less certain. Here is my strategy in this section. To make my arguments against weak substantivism, I consider two of the so-called "hard cases" for autonomy. We've already discussed Jane and her choice to subordinate herself to male authority for religious reasons. Another kind of hard case is one in which a woman chooses to engage in (what can be construed as) a practice of gender oppression. For example, suppose Fatima chooses to wear a full face and body veil for (what she claims to be) religious reasons and as a marker of social and cultural identity. However, the Islamic practice of veiling has traditionally been (and perhaps continues to be) employed to control female sexuality. So, choosing to wear a veil is a hard case for autonomy theorists because an individual makes a choice on the basis of values linked to gender oppression and it seems reasonable to think that oppressive values have the potential to impair a person's capacity for autonomy (even if it's not clear how this impairment happens.)[88] However, even if we grant that this is an oppressive practice, some autonomy theorists insist that we cannot conclude that choosing to engage in these practices

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[87] Paul Benson, "Free Agency and Self-Worth," *Journal of Philosophy* 1994 (91): 650-668, 659.

[88] Stoljar, "Feminist Perspectives on Autonomy," Section III, *Stanford Encyclopedia of Philosophy*, (forthcoming).

diminishes a person's autonomy.[89]

As we have seen, proceduralists would say that Jane is (or would be) autonomous provided she is (or would be) reflectively competent and has (or could have) the right psychological attitudes, e.g. nonalienation, and I think they would make similar evaluations about Fatima, provided that she would meet the conditions for autonomy. In contrast, strong substantivist theorists deny that agents who hold the "wrong" preference or make the "wrong" choices cannot be autonomous, even if they are reflectively competent. Furthermore, I take it that strong substantivist theorists would regard Jane's preference to submit to male authority and Fatima's preference to wear a full veil as the "wrong" kinds of preferences. They are the "wrong" kind of preferences because their content leads Jane and Fatima to make a serious moral error: they fail to regard and treat themselves as full moral equals. Put another way, the content of their preferences prevents their psychologies from "hooking up" with or corresponding to an objective feature about the world, i.e. that they are moral equals. Because they make this kind of moral error, strong substantivists would deem Jane and Fatima as nonautonomous.

Let's turn now to considering weak substantivism, because (as I have noted above) defenders of the view see themselves as staking a path between proceduralism and strong substantivism. However, it is my contention that weak substantivist views fail to provide a "third" way between proceduralist and strong substantivist views. First, I will argue that weak substantive standards fail to provide an effective filter to pick out those agents who genuinely hold hierarchical beliefs from agents whose support of the same kinds of beliefs may not be genuine. As such, weak substantivism is subject to the same

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[89] For a similar discussion, see Stoljar, "Feminist Perspectives on Autonomy," Section II, *Stanford Encyclopedia of Philosophy*, (forthcoming).

objection raised against proceduralism. Second, I will argue that weak substantivist standards must incorporate stronger normative substance in order to avoid this objection. But, I will show that this runs the risk of collapsing weak substantive views into strong substantivism. For, once we ramp up weak substantivist requirements, these views and strong substantive views will assess *the very same cases* as either autonomous or nonautonomous. If my argument is right, this suggests that weak substantive views aren't doing what they are supposed to do, namely making room for a wider range of value commitments that agents can endorse, and still qualify as autonomous, including hierarchical beliefs. If so, we have no reason to prefer weak substantive views over strong substantive views.

To begin to make my case, I appeal to Paul Benson's weak substantive account.[90] On his account, a person is autonomous when she has proper regard for her authority as an agent. He states that, "occupying a position of authority to speak for one's intentions and acts seems to depend not only on one's objective fitness to play the role of potential answerer, but also on one's regard for one's abilities and social position."[91] I'll consider the latter condition first.

For a person to have regard for her abilities and social position, she must hold the right kinds of attitudes toward her "competence and worth through which [she] claim[s] such authority."[92] Benson explains this requires individuals to have "no serious doubts about their competence to recognize or construct reasons for their actions or about their

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[90] Benson, "Feminist Intuitions and the Normative Substance of Autonomy," 128-137 and "Taking Ownership: Authority and Voice in Autonomous Agency," 106-117.

[91] Benson, "Taking Ownership: Authority and Voice in Autonomous Agency," 110-111.

[92] Benson, "Feminist Intuitions and the Normative Substance of Autonomy," 136.

authority to speak and answer for their conduct, should others criticize it."[93] Moreover, individuals must not have "attitudes [which] manifest marked disengagement or dissociation from their conduct."[94] Positively, individuals must hold "reflexive attitudes toward their own agency [which] indicate that they really do take agential ownership of their decisions" and must "treat themselves as fit and worthy to identify adequate grounds for their decisions, to translate those decisions appropriately into conduct, and to answer for themselves should others challenge their reasons."[95] In other words, autonomous individuals are those who can offer to others reasons for their actions, which reasons-giving reflects their attitude toward their competence and worth as moral agents. Notice, then, on Benson's weak substantive view, normative authority *doesn't* obtain when an agent endorses her value commitments or determines whether or not she feels alienated toward them, but rather, when she authorizes her *agency*.[96] Individuals, therefore, lack autonomy because they fail to have the right self-regarding attitudes toward themselves as competent and worthy and so they regard themselves as unworthy to offer reasons for their conduct. To illustrate his point, Benson appeals to Ralph Ellison's novel *The Invisible Man*, in which the narrator has internalized his "social invisibility" as an African-American man in the Jim Crow era. The protagonist cannot answer for his actions not only because his social conditions prevent him from occupying a position of

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[93] Benson, "Feminist Intuitions and the Normative Substance of Autonomy," 128.

[94] Ibid.

[95] Benson, "Feminist Intuitions and the Normative Substance of Autonomy," 129.

[96] Benson, "Taking Ownership: Authority and Voice in Autonomous Agency," 107.

agential authority, he is unable to regard himself as a competent agent due to internalizing his invisibility.[97]

Let's now consider the first condition Benson identifies, namely that occupying a position of agential authority depends upon one's "objective fitness" to fulfil that role. Here, I take Benson to mean that whether one is capable of fulfilling the role of answerer depends *not on whether a person thinks she is competent* but rather on *whether she really is competent*. So, whether one can take ownership of one's actions partly depends upon external features of the world, so it is a social or relational condition for autonomy.[98] According to Benson, "to have the authority of owning one's actions is to stand in a certain position with respect to others' potential expectations for one's conduct."[99] A person occupies a position of ownership over her actions, relative to those around her, because she is able to offer to others reasons for her actions, especially in the face of criticism. From Benson's perspective, the introduction of a social dimension for autonomy serves to distinguish weak substantive views from proceduralist views. Certainly, proceduralist views may point to certain social factors as *causally* related to autonomy, such as having the kind of education that enables a person to hone her critical reflection skills. But, as we have seen, proceduralists deny that social factors explain why a person is autonomous; what matters for autonomy on their views is that a person meets the right psychological standards. In contrast, Benson's weak substantivism holds that a person's social relations are partly *constitutive* of her agential authority. That is, part of

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[97] Benson, "Taking Ownership: Authority and Voice in Autonomous Agency," 111-112.

[98] Benson, "Taking Ownership: Authority and Voice in Autonomous Agency," 108.

[99] Ibid.

what it is to have agential authority (and thus be autonomous) is to stand in social relations which allow a person to speak for her actions.

Right away, we can see that the introduction of this social element prevents slaves from counting as autonomous on Benson's account. After all, part of being a slave involves "social death" in which he or she is not recognized as fully human. Slaves cannot have agential authority because they cannot occupy a social position in which to speak for their actions. What about Jane and Fatima? Would they count as autonomous on weakly substantive views? The answer, of course, depends upon whether they are able to "take ownership" of their actions and authorize their agency and it seems reasonable to think they are able to do so. But, I want to argue here that the weak substantivist standard of taking ownership doesn't provide a more effective filter than the proceduralist standard of critical reflection and endorsement. If I am right, then weak substantive views are subject to the same objection as proceduralist views.

To see what I mean, let's return to the example of Fatima. Let's suppose that Fatima is proud of her religious and cultural heritage and identifies deeply with her religious faith as an integral part of her identity, and these reasons play a partial role in explaining her choice to wear a full veil. But, suppose further that she was raised to accept strict and conservative Islamic beliefs, some of which include beliefs about the inherent danger of female sexuality and the importance of female chastity to family "honor." I agree with Benson that even if Fatima has been socially trained to accept these latter kinds of beliefs about female sexuality, this certainly doesn't prevent her from having "some degree of self-awareness and access to relevant information that precludes [her from] being literally brainwashed or subsumed by some form of Orwellian mind

control."[100] Even if women have been subject to oppressive socialization, this doesn't render them incapable of reasoning or being aware of some of the limitations imposed by these beliefs.[101] It seems easy to imagine Fatima confidently offering to us a coherent set of reasons for her choice to wear a full face and body veil on the basis of her beliefs. In fact, if a person couldn't identify any reasons, we might wonder if he or she is an agent in the first place.[102] The worry, however, is similar to the worry raised for proceduralist views: given that Fatima has been socialized to internalize her beliefs about her standing, why think her self-professed reasons for acting are *her own*, rather than reiterating the reasons dictated by those internalized beliefs?[103] To be a reasons-giver and to regard oneself as such is compatible with nonautonomy because a person who has deeply internalized oppressive value commitments is still able to give reasons for her actions and

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[100] Benson, "Feminist Intuitions and the Normative Substance of Autonomy," 129.

[101] For example, Uma Narayan raises the example of the Sufi Pirzadi women in India, who are required to live in *purdah* and are expected to wear full veils when they appear in public. These women admit that these practices place strict limits on their lives, e.g. relative to education or financial independence, while also endorsing these practices because of the social benefits they receive in terms of social standing in their community, ("Minds of their own. Choices, autonomy, cultural practices and other women," L. Antony & C. Witt (eds,) *A Mind of One's Own. Feminist Essays on Reason and Objectivity* Boulder, CO: Westview, 2002, 418-432, especially 420-421.)

[102] Perhaps such a being would count as a "wanton" in the Frankfurtian sense. See Frankfurt, "Freedom of the Will and the Concept of a Person," 11.

[103] Another example may help support my claim. Recently, the B.C Supreme Court had a hearing on the legitimacy of antipolygamy laws in Canada. This hearing directly affects the FLDS church in Bountiful, B.C., Canada, for this religious sect practices polygamy. One of the women from the community voluntarily testified that she preferred polygamy because it will secure her salvation, even if there are trials and hardships involved in a polygamist marriage. Here is an example of a person who we think is nonautonomous in some clear and intuitive way: she has been raised since birth and has received education only within the community, and she subjects herself to male authority (whether religious leaders or her husband). She can offer reasons for her action and she clearly stands in social relations with others which allow her to have agential authority, given that she is testifying in court. Yet, I would argue that if this woman can meet weak substantivist standards for autonomy, then these standards aren't robust enough to meet the objection raised against proceduralism. See "Polygamous Life Takes 'Faith and Determination, Bountiful Woman Testifies," *The National Post*, January 25th, 2011, accessed on November 8th, 2012,http://www.nationalpost.com/news/Polygamist+life+takes+faith+determination+Bountiful+woman+testifies/4166970/story.html#ixzz1CAQB8r2W

view herself as a competent reasons-giver. The problem is that the process of reasons-giving doesn't reveal whether they are an agent's own reasons or whether she is reciting the terms of her subordination. If this is correct, then it seems that the self-regarding attitude of having a sense of one's agential authority (as conceptualized by Benson) isn't doing the work it should be doing. Individuals who we intuitively think are nonautonomous can meet the weak substantivist's criteria for autonomy. As such, weak substantive standards (as presented by Benson) remain too weak to filter out agents who endorse hierarchical beliefs from agents whose endorsement of the same kinds of beliefs may not be genuine.

Is there a way for the weak substantivist to get around this objection? Put differently, can the weak substantivist theorist offer standards for autonomy which are 1) strong enough to provide an effective filter and yet 2) not so strong as to introduce direct constraints on the content of an agent's value commitments? To navigate through these constraints, I argue that Benson must move beyond standards related to reasons-giving because these aren't normatively robust enough to sidestep the objection. While Benson maintains that an agent must be situated in social relations that allow her to give reasons for her actions and must *regard* herself *as* a reasons-giver, these conditions focus mainly on the *ability* to give reasons. I think these are necessary aspects to having a sense of one's agential authority, but these are not sufficient. I argue that having authority in this sense also involves recognizing the value and importance of one's *capacity* for reasons-giving and to be prepared to take steps to develop, use, and maintain this capacity. I want to suggest that this capacity is like a muscle: it must first be developed in order to work effectively and it must be utilized and maintained on an ongoing basis to continue to be

effective. To accomplish this, a person must not put herself (or allow others to put her) in situations in which this capacity may atrophy. If a person has a sense of her agential authority, she wants to protect her capacity for reasons-giving because this is what makes her agential authority possible in the first place. Part of protecting this capacity involves expecting treatment (whether from oneself or from others) that is favorable to its development and functioning and objecting to treatment unfavorable to this end. So, on this revised agential authority condition, a person has a sense of her worth as an agent if she is capable of giving reasons to others to answer for her conduct, *and* is ready and able to protect and preserve her capacity for reasons-giving.

Do these revised standards solve the problem raised initially for proceduralist and then weak substantivist views of autonomy? I think the answer is "yes": if a person had a sense of her authority as an agent in the way I describe above, then this would secure her autonomy. We would not question whether she has "taken ownership" of her actions. However, if I am right that a defender of weak substantivism must strengthen the standards for autonomy in this way, then this places the view in a precarious position for the following reason. A person who has this kind of agential authority will not – *as a matter of fact* – choose to be subordinate or to accept the view that her worth as an agent depends upon her sexual conduct, all things equal. Subordination places a person in a situation in which her capacity for reasons-giving is compromised because she does not (and perhaps cannot) have reason to develop this capacity. Along the same lines, if one accepts the view that one's worth depends upon whether one adheres to certain norms of sexual conduct, then one also implicitly accepts the view that *one's capacity for reasons-giving is less important than one's conduct regarding these norms.* If this is the case, it

seems reasonable to think that a person will spend less time and effort to developing and protecting her capacity for reasons-giving and devote more time to measuring up to these norms of sexual conduct. As such, Fatima and Jane make will turn out to be nonautonomous on the revised weak substantive view because their choices suggest they lack the right kind of agential authority necessary for autonomy. This is because their choices fail to protect and preserve their capacity for reasons-giving.

Let's put all of these thoughts together. I have argued that the weak substantivist theorist must revise his standards for autonomy, so that having a sense of one's authority as an agent also involves having a desire to protect one's capacity for reasons-giving, in addition to regarding and having others regard oneself as a competent reasons-giver. If a person has sense of her authority as an agent, I have argued that she will not, as a matter of fact, make choices which may compromise her capacity for reasons-giving. Put another way, I am arguing that having this sense of agential authority will rule out certain choices and preferences, i.e. those relating to subordination or practices of gender oppression. However, as we have seen, strong substantivist views also rule out these kinds of choices and preferences (though, admittedly, on different grounds). If I am right that weak substantive views rule out the very same cases as strong substantive accounts, then we have no reason to prefer the former to the latter.

A weak substantive theorist might object along the following lines. Even if it is the case that weak substantive theories and strong substantive views rule out certain value commitments as being able to motivate autonomous choices, we still ought to prefer the former. This is because of the *reason* that weak substantive views rule out these commitments. Weak substantive accounts claim that the reason why a person is not

autonomous is due to her lack of proper regard for herself as an agent and *not* because of the content of her value commitments. Weak substantive views do not take on the dicey (and potentially offending) task of judging the compatibility of the content of other agents' value commitments with their ability to be autonomous.

But, whatever the reason that certain value commitments are ruled out, the point is that agents cannot make choices on the basis of these commitments and qualify as autonomous. Of course, a strong substantive theorist is not likely to lament this outcome. But, a weak substantive theorist will. According to proponents, weak substantive views are attractive because they do what proceduralism and strong substantivism cannot: provide standards for autonomy which clearly pick out agents who endorse hierarchical beliefs from agents whose endorsement of the same kinds of beliefs may not be genuine, while also providing the theoretical and practical space for agents to endorse a wide range of value commitments, including those with hierarchal content, and qualify as autonomous. Appealing, then, to a weak substantive theory of autonomy has failed to make practical and theoretical room for judging as autonomous some individuals who endorse value commitments based upon hierarchy. As a result, we have no reason to prefer weak substantive theories because they do not represent a meaningfully distinct theory of autonomy, relative to strong substantive accounts. If this is correct, then Kymlicka's view of autonomy cannot be weak substantivist because such views collapse into strong substantivist views, and I have argued that Kymlicka's account is not and cannot be strong substantivist.

Conclusion

While strong substantivist views autonomy uphold a widely accepted intuition that autonomous living is inconsistent with living subordinate to another, I have argued that Kymlicka's cannot incorporate a normative constraint condition to his current theory of autonomy because it is incompatible with the endorsement constraint. In addition, I have argued that weak substantive standards for autonomy must incorporate normative substance beyond reasons-giving, in order to get around the objection raised for proceduralism. However, this move collapses weak substantivism into strong substantivism, thereby diminishing the appeal of such views. Furthermore, because I have argued that Kymlicka's view cannot be strong substantivist, then his view cannot be weak substantivist either, given that there is a distinction without a difference between the two views. So, what is left in terms of theories of autonomy if Kymlicka's view isn't proceduralist, strong substantivist, or weak substantivist? There is another major view in the literature, namely socio-relational autonomy. In the next chapter, I elaborate on this account of autonomy and I present my case that Kymlicka's view of autonomy is socio-relational.

CHAPTER 4

KYMLICKA AND SOCIO-RELATIONAL AUTONOMY

Introduction

As I pointed out in the introductory chapter, Kymlicka's view of autonomy is one of the following kinds of theories of autonomy because these exhaust the kinds of views in the literature: proceduralist, strong substantivist, weak substantivist, or socio-relational. In Chapters 2 and 3, I have argued Kymlicka's view of autonomy is not proceduralist nor strong substantivist nor weak substantivist. Therefore, Kymlicka's view of autonomy is socio-relational. According to the rough characterization I have been working with, socio-relational accounts of autonomy claim that both procedural and substantive standards must obtain for a person to count as autonomous. Immediately, this seems to raise two important questions about the soundness of my view. One might put the first question this way: if Kymlicka's view of autonomy is not procedural and is not strong substantive, does it make sense to say that his view incorporates *both* kinds of standards?

The second issue for my claim that Kymlicka's view of autonomy is a socio-relational view is this. Because it introduces standards with normative content as necessary for autonomy, this seems to stand in deep tension with another fundamental aspect of Kymlicka's liberalism: his commitment to neutrality or antiperfectionism. Roughly, the issue is this: is it possible for a theory of liberalism to remain neutral

between citizens' ways of living when it incorporates a view of autonomy with standards that make direct reference to the kinds of social conditions in which citizens live?

As we shall see in this chapter and the next, both of these potential worries are unfounded. My first task in this chapter is to elaborate on socio-relational autonomy, in particular by drawing attention to the ways in which this view of autonomy differs from – and avoids the criticisms of – the other leading theories of autonomy I have considered in this project. In this project, I appeal to Marina Oshana's account of socio-relational autonomy, because I consider it the most sophisticated in the literature. However, as I will show, one aspect of Oshana's view – namely the rejection of content-neutrality – raises several serious objections. Nevertheless, I argue that Oshana can revise her view to incorporate content-neutrality in order to meet these objections and thus render socio-relational autonomy more attractive. Furthermore, I will show that this revision of a socio-relational account is necessary in order to defend my claim that Kymlicka's view of autonomy is a socio-relational account. In making these arguments, I'm also laying the groundwork for Chapter 5, where I discuss the liberal ideal of neutrality. There, I argue that Kymlicka can consistently maintain his commitment to neutrality and endorse a socio-relational account of autonomy.

Socio-Relational Autonomy

Since the 1980s, a number of theorists working on autonomy have argued that we need to rethink the nature of autonomy. Historically, proceduralism has been the most widely-accepted view of autonomy among theorists, even if they have disagreed over the precise standards necessary for autonomy. However, as we have seen, because such views seem to engender counterintuitive results once we flesh out their implications,

theorists have suggested that autonomy is more than simply a psychological concept in the way that proceduralist views describe. According to critics, then, procedural standards are necessary, but not sufficient, for autonomy.

Some autonomy theorists have argued that a more reasonable account of autonomy should incorporate both procedural standards *and* normatively substantive standards, in order to avoid the issues that arise for strictly procedural views. However, as we have discussed in Chapter 3, to identify the proper substantive standards for autonomy in no easy task for theorists. Strong substantivist theories of autonomy encounter significant problems when they claim that individuals must reject value commitments with particular content in order to count as autonomous. One possible way to defend strong substantive accounts is to try and identify a reasonable value commitment or commitments which all agents share (or could share) in order to qualify as autonomous. However, another way is to sidestep this kind of approach altogether and consider another method to incorporating normative substance into a theory of autonomy. This is the approach taken by Oshana.

According to Oshana, we should prefer a socio-relational view of autonomy, not only because it avoids the problems that plague the other two leading views, but also because it provides an account more in harmony with our "considered intuitions about personal autonomy."[104] Autonomy on a socio-relational view isn't primarily about the kind of critical reflection a person engages in or her psychological states. Nor is autonomy about avoiding the "wrong" kinds of value commitments. On a socio-relational account, autonomy is a *global* (as opposed to local) property of persons and it is a status

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[104] Oshana, *Personal Autonomy in Society,* 1.

marker of people situated in social and political contexts who exercise a particular kind of authority over their lives. When we say that a person is socio-relationally autonomous, we are not simply identifying *one particular instance* in which a person meets the necessary conditions for autonomy. Rather, to say that a person is globally autonomous on this view is to say that she has "*de facto* power and authority over choices and actions significant to the direction of her life."[105] In particular, a person must be able to exercise real power and authority over her interpersonal relationships, social roles and relations, psychological states and processes, education, career path, health care, and belief systems. By real power, Oshana means that a person is not subject to interference by other agents, whether by coercion or manipulation, nor subject to "internal" interference, whether by weakness of will or psychological impairments.[106] To exercise real power over one's life, a person must have self-control, although this isn't to suggest that a person must live her life stoically, and refrain from exhibit one's emotions. On Oshana's view, this means that a person acts in her own interests, rather than "succumbing to impulsive behavior" and that she has a "robust capacity" to act in this way, even if confronted with temptation.[107] By real authority, Oshana means that a person not only possesses a *de jure* right or "moral right to control [her] own choices, actions, and goals," she has the institutional status to protect her right to genuinely exercise this control, free

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[105] Oshana, *Personal Autonomy in Society* 2.

[106] Oshana, *Personal Autonomy in Society,* 3.

[107] Oshana, *Personal Autonomy in Society,* 3-4.

from the domination of others.[108] Autonomy, then, is a condition or state, not simply the possession of a capacity or the ability to exercise it.[109]

According to Oshana, viewing autonomy as a socio-relational concept requires us to conceive of autonomy as a "naturalized phenomenon."[110] Autonomy is a natural property of individuals and we determine whether a person is autonomous in large part by empirical observation.[111] Autonomy is not simply a psychological phenomenon nor is it solely a judgment about a person's psychological states. Rather, a judgment about autonomy is a "judgment about how that person is in the world."[112] Notice, then, by conceptualizing autonomy as naturalized, socio-relational autonomy avoids one of the major problems raised for proceduralism. Recall that critics faulted proceduralist standards as not fine-grained enough to pick out agents who we would intuitively judge as nonautonomous, e.g. the case of Jane. As critics of proceduralism point out, we must rely on Jane's *own subjective reports of her critical reflections* to determine whether she is autonomous, even though we have doubts about whether her critical capacities are damaged by oppressive socialization. But, because socio-relational views understand autonomy as primarily an empirical matter, which depends upon the kinds of social relations a person lives in, it should be easier to determine whether a person is autonomous and thus there should be far fewer ambiguous cases.

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[108] Oshana, *Personal Autonomy in Society*, 4.

[109] Oshana, *Personal Autonomy in Society*, 6-8.

[110] Oshana, *Personal Autonomy in Society,* 4.

[111] Oshana, *Personal Autonomy in Society*, 5.

[112] Oshana, *Personal Autonomy in Society* 4.

Building on this line of thought, a naturalized account of autonomy recognizes that individuals are socially embedded within social and political frameworks, but maintains that to be autonomous, individuals must be free from "external interferences." Certainly, Oshana isn't suggesting here that individuals are autonomous because they have escaped the forces of socialization or because they are rugged individualists or iconoclasts. External interferences are different from external *influences* – the latter are compatible with autonomy. Oshana is arguing that certain external social factors can interfere with a person's autonomy and we can determine what these are only by empirical observation. A naturalized view of autonomy, then, regards "autonomy as, in part, a function of a person's [social] status and relations that are extrinsic to facts about her psychological history and occurrent psychological state."[113] In fact, Oshana argues that autonomy is *primarily* a social phenomenon, relative to the facts that obtain about a person's social conditions, and secondarily a psychological phenomenon, relative to the facts about a person's psychology. Clearly, to locate autonomy mainly in a person's social conditions, and not solely in her psychological states, is a significant departure from proceduralist views of autonomy. So, at this point, I think it would be helpful to introduce Oshana's general objections to proceduralist views of autonomy, in order to understand her motivation in conceptualizing autonomy along socio-relational lines.

Oshana and Proceduralism

According to Oshana, there is a psychological component to her account of autonomy and I discuss the standards she incorporates in greater detail in the next section. For now, we can note that Oshana argues that the following psychological

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[113] Oshana, *Personal Autonomy in Society*, 5.

conditions are necessary for autonomy: epistemic competence; rationality; procedural independence; self-respect; and control. So, having the right psychological states is important on a socio-relational view, but Oshana argues that these states don't tell us (as proceduralists insist) the whole story about a person's autonomy. Oshana considers and rejects proceduralist theories as inadequate for the following reasons.[114]

First, Oshana points out that proceduralist views "are disproportionately focused upon the mental status of the person and that such accounts are largely subjective."[115] Oshana argues that the problem with proceduralism is that the test for satisfaction of the conditions for autonomy is fully exhausted by psychological phenomena. Oshana puts the point like this: "on proceduralist views, other people can measure a person's autonomy given a shared measurement tool, but what the tool measures is internal to the individual."[116] So, this means that, on proceduralist views, the agent alone is "'the measure of [her] own autonomy.'"[117] But, as Oshana says, "this is plainly false."[118] A person may *feel* autonomous on the basis of her psychological states, but this feeling is qualia and "qualia alone do not decide the *fact* of autonomy any more than a feeling of oneself as nonautonomous decides against autonomy (perhaps no more, even, than the

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[114] It's important to note that Oshana considers more than one interpretation of proceduralism, not simply Christman's. However, given that she rejects each of them as inadequate (though for different reasons), it is enough for my purposes here to indicate her general rejection of proceduralist theories of autonomy.

[115] Oshana, *Personal Autonomy in Society*, 50.

[116] Oshana, private correspondence.

[117] Oshana, *Personal Autonomy in Society*, 50.

[118] Oshana, *Personal Autonomy in Society*, 50.

feeling that one is or is not a brain in a vat decides that fact."[119] This suggests to Oshana, then, that the standards for autonomy "are not oriented around the value perspective of the person whose autonomy is at stake."[120]

The second reason that Oshana finds proceduralist views problematic is because such views conceptualize autonomy as a means to protect the "inner citadel" or the "unique, inviolable heart of agency" in each individual.[121] However, from Oshana's perspective, this understanding of autonomy is "empirically suspect," because it suggests that there is a permanent, unchanging, presocial self.[122] As we have seen, autonomy theorists, including Oshana, reject this understanding of the self. In addition, Oshana thinks that symbolizing the self as an "inner citadel" is questionable because it conceptualizes autonomy "as relegated to the background of social life – a characteristic that emerges behind an invisible partition that isolates each individual from the rest, overlooking entirely the social and relational dimensions of self-government."[123]

Lastly, because defenders of proceduralism locate autonomy in a person's psychological states, they are committed to the view that the *only* factors which impede a person's autonomy are psychological. For Oshana, there is more to autonomy that simply having the right psychology, because "people are not psychological states, and their

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[119] Oshana, *Personal Autonomy in Society,* 50-51.

[120] Ibid.

[121] Ibid.

[122] Oshana, *Personal Autonomy in Society,* 51.

[123] Oshana, *Personal Autonomy in Society,* 51.

autonomy is a more complicated matter than that of their psychological states."[124] Because proceduralist views cannot appeal to anything besides a person's psychological states in the final analysis of whether one is autonomous, proceduralism offers a meagre view of autonomy.

To further support her arguments against proceduralism (and to begin to make a case for socio-relational autonomy), Oshana offers several case studies. According to Oshana, each of the individuals in these case studies meets proceduralist standards *and yet* we have the intuition that they are not autonomous. For example, the first case she offers is the voluntary slave, which I noted in Chapter 3 is a standard problem case for proceduralist views.[125] Oshana asks us to imagine a person who sincerely values and prefers to live as a slave and who makes a choice on the basis of this preference. Imagine that he has reflected on the historical processes under which his preference for slavery arose, and he feels no sense of alienation toward his commitment. In fact, let's imagine that he is contented living as a slave. While proceduralists such as Christman would deem the voluntary slave as autonomous, Oshana thinks this is counterintuitive. A slave by definition is a person who must obey his master's orders and who cannot decide for himself the direction of his life. How can a person be autonomous and yet have others decide his preferences for him? As we saw in Chapter 3, strong substantivists make precisely the same counterintuitive charge against proceduralist views. However, unlike strong substantivists, Oshana *doesn't* think that we can trace the slave's lack of autonomy to the content of his preference. Instead, Oshana argues that it is more intuitive to think

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[124] Oshana, *Personal Autonomy in Society*, 46.

[125] Oshana, *Personal Autonomy in Society*, 53.

that the reason a contented slave isn't autonomous is due to his social conditions. So, before I elaborate further on Oshana's view, I want to consider first why she rejects strong substantivist views of autonomy.

Oshana and Strong Substantivism

To help us understand her argument against strong substantivism, let's introduce her second case study, which she calls "The Angel in the House"[126] and which is similar to the example of Jane I have considered throughout this project. Oshana asks us to imagine a woman named Harriet, who prefers to be subservient to her husband in financial, intellectual, political, and personal matters. Imagine further that Harriet has reflected critically upon the historical process by which her preference arose and feels no alienation toward it. Harriet is contented and gratified to live as a subservient wife. As we have noted, proceduralists would deem Harriet autonomous because she meets the proper standards for critical reflection while strong substantivists deny that she is autonomous because of the content of her preference for subservience. As I discussed in Chapter 3, strong substantivist theorists would label Harriet as nonautonomous because she is making a special kind of moral mistake by choosing to be subordinate. She makes this kind of mistake because of her preference for subordination, the content of which prevents her psychology from "hooking up" or corresponding to an objective feature of the world, namely the fact that she *is* morally equal.

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[126] Oshana, *Personal Autonomy in Society*, 55.

Oshana, however, denies the strong substantivist line of thinking outright.[127] Oshana acknowledges that the content of a person's preferences are likely *to indicate* a diminished capacity for autonomy if she prefers (like Harriet) to be subordinate.[128] But, on Oshana's view, even if a person prefers to lead a highly independent way of life, the content of this preference isn't constitutive (or partly so) of her autonomy. Let's imagine Joan, who prefers to lead a highly independent life. Suppose that on the basis of this preference she chooses to be an investment banker, which way of life affords her with a high degree of financial security and the independence she seeks. Suppose further that Joan has critically reflected in the proper way on her preference. Strong substantivist theorists would say that Joan is autonomous because she has critically reflected upon her preference and her preference lacks the "wrong" content, i.e. content which prevents her psychology from hooking up with an objective feature of the world. However, even though she doesn't put it like this, I take it that Oshana is making the following point about strong substantivism. If strong substantivists are correct that the content of a person's preferences is constitutive (or partly so) of her autonomy, then we could lock Joan in a small room and maintain that she is autonomous. After all, she meets the standards for autonomy as set out by the strong substantivist view, i.e. she has critically reflected in the proper way and the content of her preference allows her psychology to correspond to the world in the proper way. As a result, she can act on the basis of this preference and will not make the kind of moral mistake that strong substantivists claim

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[127] Oshana, *Personal Autonomy in Society*, 58. I think it's important to point out that Oshana represents Thomas Hill as a strong substantivist theorist and directs her arguments against him (see Oshana, *Personal Autonomy in Society*, 57-59). As I noted in Chapter 3, however, I have doubts that Hill is in fact a strong substantivist theorist. I set aside this debate for another time.

[128] Oshana, *Personal Autonomy in Society*, 58.

render a person nonautonomous. Given that the locked room example is deeply counterintuitive, I take it that this is why Oshana thinks that strong substantivist theories are wrong to say that the content of a person's preferences are constitutive of her autonomy, even if she prefers independence and self-sufficiency.

So, from Oshana's perspective, autonomy is not primarily a matter of a person's psychological states nor is the content of a person's preferences constitutive of her autonomy. Nevertheless, we are left with the intuition that Harriet (or the contented slave) is not autonomous, while someone like Joan is. According to Oshana, a socio-relational view of autonomy bears out this intuition best: Harriet or the contented slave is not autonomous because "they lack characteristics that only a social theory of self-determination can supply."[129] The reason that Harriet is nonautonomous is not because she lacks the proper psychological states and "not because she *wants* to be subservient, but because she *is* subservient. Her lack of autonomy is due to her personal relations with others and to the social institutions of her society."[130] Along the same lines, Joan is autonomous, not because she wants to be independent and self-directed, but because she *is* independent and self-directed. The reason that Joan is autonomous is because she lives in the proper kinds of social conditions that allow her to exercise *de facto* authority over her life. So, in contrast to the other leading views of autonomy, this is what is notable about socio-relational views: they claim that "autonomy is a condition of person constituted in large part by the social relations people find themselves in and by the

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[129] Oshana, *Personal Autonomy in Society*, 52.

[130] Oshana, *Personal Autonomy in Society*, 59, her emphasis.

absence of other social relations"[131] If a person lives in social conditions which prevent her from actually exercising *de facto* authority over her life, then she is not autonomous, no matter how well she critically reflects or the content of her preferences. To have this kind of authority on Oshana's view, a person must meet both proceduralist and substantivist standards. I turn now to considering the conditions for autonomy as set out by Oshana.

The Conditions for Socio-Relational Autonomy

So, when does a person count as autonomous on Oshana's view? Oshana identifies seven conditions that must be met in order to say that a person is globally autonomous. First, a person must exhibit what Oshana refers to as "epistemic competence."[132] Among the abilities necessary for this kind of competence are self-awareness (or a sense of oneself as an agent) and self-reflectiveness (or the ability to think critically about one's actions and act on them). Indeed, without these abilities, "autonomous choice and action cannot commence nor be sustained."[133] Critical reflection allows a person to assess her options and her circumstances and identify her reasons for acting, but it's not necessary for her to endorse her "pro-attitudes" toward these reasons.[134] Second (and closely related to epistemic competence), an autonomous agent is *rational* in the following three ways. 1) She is familiar with her social and psychological environment. 2) She is able to formulate or reformulate plans of action to realize her ends

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[131] Oshana, *Personal Autonomy in Society*, 49.

[132] Oshana, *Personal Autonomy in Society,* 76.

[133] Oshana, *Personal Autonomy in Society,* 77.

[134] Oshana, *Personal Autonomy in Society,* 77-78. Notice, then, this distinguishes Oshana from proceduralist views like Christman's.

or goals. 3) She is able to distinguish between ends or goals that are "favorable to self-governance from those that disadvantage self-governance."[135]

However, even if a person critically reflects upon her choices, activities, and relationships, it is possible that her reflections have been impaired. For example, a person may be subject to psychological impairments, such as "neurotic compulsion, excessively low self-esteem, systemic weakness of will, or addiction."[136] Therefore, the third condition for personal autonomy on Oshana's view is that a person exhibits *procedural independence*. This means that nothing has impaired a person's critical faculties in such a way to call into question the legitimacy of a person's motivations (e.g. by being subject to browbeating).[137] Moreover, a person exhibits procedural independence when the critical processes she uses to think about her value commitments are authentically her "own." But, unlike many proceduralist theories, Oshana doesn't think that authenticity is a matter of endorsing or having the right "pro-attitudes" toward the value commitments that emerge as part of the reflecting process. This is because a person may not endorse or may even feel alienated toward her value commitments and still be autonomous.

The fourth condition for autonomy is self-respect. An autonomous person not only values herself intrinsically and treats herself in ways that express this value, she expects that others will treat her in similar ways. A person with self-respect makes choices that reflect her intrinsic value and she regards herself as equally valuable and equally deserving of respect and consideration. When a person has self-respect, this

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[135] Oshana, *Personal Autonomy in Society,* 78. Immediately, a critic might wonder whether Oshana, in making this distinction, is sneaking in restrictions on autonomous agent's value commitments. Clearly, we need to say more about what kinds of goal are favourable or unfavourable to autonomy.

[136] Oshana, *Personal Autonomy in Society,* 79.

[137] Ibid.

"inspires" others to treat her with respect.[138] We disrespect a person when we treat her in a way that "makes light of her autonomy."[139]

The fifth condition for autonomy on Oshana's view is *control.* An autonomous person "has the power to determine how she shall live."[140] For example, she cannot live in social or political conditions which prevent her from making such determinations. Instead, an autonomous individual has the social status necessary to direct her life, free from coercion from others.[141] But, autonomy on Oshana's account isn't simply a matter of having the right sort of control over one's life, for there must be something over which a person can exercise control. A person may be in control, but if she has no options from which to choose, she isn't autonomous. Accordingly, an autonomous person must have an adequate range of options open to her and this is the sixth condition for autonomy. However, this range of options is objectively (as opposed to subjectively) defined. It's not enough that a person *believes* she has an adequate range of options. Instead, whether a person is autonomous in Oshana's sense depends upon "an improvement or decline in the assortment, quantity, and arrangement of options" before her.[142] Of course, different people will value and prefer different kinds of options, but within any adequate range of options, a person must have the option to "develop her capabilities (to hone her autonomy

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[138] Oshana, *Personal Autonomy in Society,* 82.

[139] Oshana, *Personal Autonomy in Society,* 81.

[140] Oshana, *Personal Autonomy in Society,* 83.

[141] For this reason, Oshana argues that a woman living under the Taliban is not autonomous, even if she endorses the value commitments that undergird her subjection, (*Personal Autonomy in Society,* 84).

[142] Oshana, *Personal Autonomy in Society*, 85.

skills)...and she must be involved in doing so."[143] Moreover, Oshana maintains that while it is possible for a person to be autonomous even though her options are restricted, we cannot say that a person is autonomous if the only option open to her is nonautonomy or if her options are "dictated by duress (be it physical, emotional, economic.)"[144]

The final condition for personal autonomy on a socio-relational view is *substantive independence*. While there are several components to this condition, all of them relate to the *social conditions* in which an autonomous individual lives. If a person is autonomous, then her social relations and institutions permit her a minimal degree of "social and psychological security."[145] If a person is fearful for her life due to high crime or if she subject to social interactions in which others see to dominate her, then she isn't autonomous. Moreover, she must able to choose value commitments different from those around her, particularly "from those who have influence and authority over her."[146] An autonomous agent should not be expected to be responsible for the needs of those around her.[147] However, this isn't to suggest that autonomous individuals must be free of all intimate relationships or that engaging emotional or caring work is inconsistent with autonomy. Rather, I take Oshana is making a claim along the following lines: social traditions which (say) expect that women are solely responsible for child-rearing or domestic work, even at the expense of their own needs or interests, is inconsistent with autonomy. Finally, substantive independence also requires an autonomous individual to

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[143] Ibid.

[144] Oshana, *Personal Autonomy in Society,* 85.

[145] Oshana, *Personal Autonomy in Society,* 86.

[146] Oshana, *Personal Autonomy in Society,* 87.

[147] Oshana, *Personal Autonomy in Society,* 87.

have some degree of "financial self-sufficiency"[148] and to have accurate information about the opportunities open to her.

Oshana and Content-Neutrality

Before I move on to my argument that Kymlicka's view of autonomy in his liberalism is socio-relational, I want to raise a potential worry for her view concerning content-neutrality, which would in turn present a concern for my own argument. To understand what's at issue, let's briefly review the debate between Oshana and strong substantivism. As we have seen, strong substantivist views claim that the content of a person's preferences is constitutive of her autonomy. Strong substantive views claim that someone like Harriet who prefers subordination is not autonomous when she makes a choice on this preference. This is why such views are not content neutral: they place normative restrictions on the kinds of beliefs an individual can hold and qualify as autonomous. In contrast, we have seen that Oshana thinks the strong substantivist line of argument is wrong to claim that a person's preferences are constitutive of her autonomy. Instead, Oshana says that a person's social conditions are constitutive of her autonomy. If so, this seems to suggest that Oshana thinks there is no need to introduce content restrictions on an individual's preferences. This is because the content of one's preferences doesn't matter for determining whether a person is autonomous; rather, what matters for establishing a person's autonomy is whether she lives in the proper kind of social conditions. Put another way, Oshana's account of autonomy seems to embrace

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[148] Oshana, *Personal Autonomy in Society,* 87.

content-neutrality and indeed, others have also suggested this as a feature of her view.[149] However, while I think that Oshana *wants* to say her account of autonomy is content-neutral, it is my contention that it is difficult for Oshana to square her commitment to content-neutrality when she also claims the following:

> It is true that the socio-relational account I defend insists upon substantive constraints for an autonomous life. One of these constraints requires that an autonomous agent choose so as not to undermine the value of autonomy.[150]

In making this claim, Oshana seems to be suggesting that there *are* restrictions on an individual's preferences and beliefs.[151] If so, then her account of autonomy is not content-neutral.[152] The thought goes something like this. Because individuals make choices on the basis of their preferences and beliefs and because they must choose in ways that support the value of autonomy, their preferences and beliefs cannot have content that undercuts the value of autonomy. If this line of thinking is right, then one implication of this restriction is that an individual cannot count as autonomous if she chooses to be servile or subordinate, even if she makes this choice on the basis of freely formed and endorsed preferences. Indeed, Oshana states this point out outright: "Persons whose freely formed

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[149] See Natalie Stoljar, "Feminist Perspectives on Autonomy," *Stanford Encyclopedia of Philosophy*, section 8 (forthcoming).

[150] Oshana, *Personal Autonomy in Society*, 42.

[151] Oshana has suggested to me in private correspondence that her view requires only that individuals have substantive independence, not that it places content restrictions on individuals' value commitments and that there is an important difference between these. While I agree there is a distinction between these two conditions, my point is that it is difficult to square the claim that her view is content-neutral with her further claim that individuals cannot make choices to undercut the value of autonomy. To my mind, this claim isn't saying anything about a person's social conditions, but about the kinds of choice-motivating preferences a person can hold.

[152] However, I am not claiming that her view is strong substantive. While it might be true that both strong substantivism and Oshana's socio-relational view reject content-neutrality, her view introduces further standards for autonomy that are different from those introduced by strong substantivism.

desires lead them to embark upon lives of servitude cannot be autonomous.[153] Part of Oshana's motivation in making this claim stems from the idea that what matters for autonomy is not whether a person is acting for "high-minded principle or degeneracy" but rather "what such a life yields for the person on a practical and daily basis."[154] For Oshana, Harriet or Jane may choose subordination, but given that their lives are highly restricted *after* making this choice, this is what is important for determining whether they are autonomous. Because they are restricted in this way, i.e. because they cannot exercise *de facto* authority over their lives, Oshana claims that they are not autonomous. So, if Harriet or Jane chooses subordination, and having successfully realized this choice cannot qualify as autonomous on Oshana's socio-relational view, then I argue that her view places normative restrictions on the content of individuals' preferences and beliefs.

Oshana would seem to have good reasons for reject content-neutrality. One motivation concerns a logical problem. Let's grant that Oshana is correct when she says that a person must exercise *de facto* authority over her life in order to qualify as autonomous. But, if a person chooses a life of subordination, in what sense can we say she is exercising this kind of authority over her life? After all, being subordinate means a person doesn't make her own decisions about her life. So, if it seems if there are no content restrictions on the kinds of preferences that individuals can act on and qualify as autonomous on a socio-relational view, then it is open to individuals to choose subordination. In this situation, Oshana would have to say that a person who doesn't

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[153] Oshana, *Personal Autonomy in Society*, 97.

[154] Oshana, *Personal Autonomy in Society*, 64.

exercise authority over her life is autonomous, thereby undercutting her own position that a person is autonomous when she exercises *de facto* authority over her life.

A second motivation for placing content restrictions on preferences stems from Oshana's claim that socio-relational autonomy is a property of persons, and *not* an account of what makes one particular choice at a time autonomous.[155] On Oshana's view, socio-relational autonomy picks out a person who is autonomous *over time*, that is, who exercises authority over her life diachronically, not episodically. But, without content restrictions, it is open to a person to choose on the basis of any preference, even subordination. If a person is subordinate to the authority of another, she is not exercising authority over her life *over time* in the way that socio-relational autonomy demands.

In light of these considerations, it seems fair to think that Oshana's view of autonomy is not content-neutral. However, if her account of autonomy is not content-neutral, this raises several problems, not only for Oshana's own account, but for the central argument in this project as well. Let's consider the former first.

The first problem for Oshana's view is this: by placing restrictions on the kinds of preferences and beliefs that individuals can hold and act upon and count as autonomous, Oshana's view seems subject to the same kinds of objections raised for strong substantivist views related to its endorsement of content-neutrality. For example, one standard objection against strong substantivist views – which Oshana discusses – is that they justify paternalism into the lives of people who hold the "wrong" values.[156] Here's a

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[155] Oshana, *Personal Autonomy in Society*, 2.

[156] Oshana, *Personal Autonomy in Society*, 41-42. Oshana thinks the paternalist worry doesn't threaten her view of autonomy. On Oshana's view, a person has a right to autonomy and this is the "default" position (110). However, she also thinks there are some instances in which a person doesn't deserve this right and in these cases, paternalism may be justified. For example, following Gerald Dworkin,

rough sketch of this line of argument. As I suggested in chapter three, because strong substantivist views incorporate a content restriction condition, these views effectively "dispense" preferences and beliefs to people. These views interfere in people's lives by telling them what preferences and beliefs to hold, whether they feel a subjective commitment to them or not. Critics worry further that if the state adopts a strong substantivist view of autonomy, one which "dispenses" values to people, it seems that the state has *prima facie* justification for intervening in the lives of citizens who hold the "wrong" preferences. This concern is heightened further when we consider the enormous coercive power the state has at its disposal. So, if Oshana's socio-relational view incorporates a content restriction condition and if strong substantivist views are problematic because this restriction provides *prima facie* grounds for paternalism, then Oshana's socio-relational view is subject to the same paternalist objection that arises for strong substantivist views.

The other problem for Oshana's account of autonomy in rejecting content-neutrality is this: Oshana herself wants to preserve the possibility that individuals in the liberal state can autonomously choose nonautonomy or subordination.[157] But, by insisting that individuals must choose in accordance with the value of autonomy, which suggests

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Oshana argues that "soft" paternalism is "permitted either because of an occurrent or a dispositional defect in the decision-making capacities of the person, and because we believe the person would consent to such intervention were her decision-making capacities revived," (113). Oshana also argues that "hard" paternalism is permitted, which is intervention in the lives of competent adults "against their will, [to protect them] from the harmful consequences of even their fully voluntary undertakings," (111, 109). While this is unfortunate and not something the state should undertake rashly, Oshana claims her view is defensible because 1) people don't always know what's in their best interests and 2) sometimes paternalism is the "lesser of two evils," (116). Furthermore, Oshana concedes that, in some cases, paternalism isn't justified even when a person voluntarily gives up her autonomy, e.g. the Amish (119). In response, while I acknowledge that Oshana's view wouldn't justify or permit indiscriminate state interfere in citizens' lives, her view seems to grant the state considerable latitude in justifying intervention and this is rather worrisome. My claim here is that her rejection of content-neutrality only strengthens the paternalism objection.

[157] Oshana, private correspondence.

that individuals must hold preferences with particular content, Oshana seems to foreclose this possibility. Thus, Oshana's commitment to content-neutrality seems at odds with her own intuitions about what a view of autonomy ought to accommodate.

In response to my claim that her account of autonomy rejects content-neutrality, Oshana has offered the following consideration.[158] On this line of thought, Oshana claims that her account of socio-relational autonomy doesn't place direct content restrictions on preferences, but it *does* require individuals to have certain kinds of knowledge and we see evidence for this in her epistemic competence condition. For example, Oshana suggests that individuals must have the epistemic ability not only to distinguish circumstances of subordination from circumstances of equality, but to have accurate information about these different circumstances, e.g. information about the self-authority and self-sufficiency involved in each circumstance. So, an individual need not make *specific* kinds of choices, but she must have a firm understanding of the practical implications of any choice open to her. I agree with Oshana that this kind of knowledge is important for autonomy. However, it's not clear to me how this clarification of the epistemic competence condition establishes that her account is content-neutral and thus escapes the various objections I have raised against her view. Moreover, it's not clear to me how this qualification squares with some of Oshana's comments about the value of autonomy and choosing in accordance with it. In addition to the quotes I have already provided, Oshana also suggests that "it is not insensitive to state that the types of lives a properly autonomous person can live are limited."[159] My point in introducing quotes from Oshana

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[158] Oshana, private correspondence.

[159] Oshana, *Personal Autonomy in Society*, 104.

along these lines is this: Oshana seems quite clearly to reject content-neutrality, regardless of the qualifications she makes to the epistemic competence standard.

I've considered the problems that face Oshana's socio-relational view if she embraces content-neutrality, and now I want to look at how this affects my own project. If it's true that a socio-relational view places content restrictions on individuals' preferences and beliefs, then Kymlicka's view cannot be socio-relational. As I argued in chapter three, Kymlicka's view of autonomy cannot be strong substantivist because these kinds of views place direct normative restrictions on the content of individuals' preferences and beliefs. I argued that this kind of restriction is incompatible with a key element of Kymlicka's liberalism, i.e. the endorsement constraint. If a socio-relational view imposes content restrictions on individuals' preferences and beliefs, this would also stand in tension with the endorsement constraint. As a result, Kymlicka's view of autonomy cannot be socio-relational. But, if a content restriction condition is unique to Oshana's view, rather than a necessary feature of all socio-relational views, then this concern about Kymlicka's view is unfounded.

Kymlicka and the Ideal of Autonomy

In this section, I present my argument for the claim that Kymlicka's view of autonomy in his liberalism is socio-relational. However, Kymlicka himself might disagree with my claim. In his 1992 paper, "Two Models of Pluralism and Tolerance," Kymlicka argues that while there are several different conceptions of autonomy in the liberalism tradition, he defends a "Millian" or "rational revisability" conception of

autonomy.[160] A Millian conception of autonomy shouldn't be confused with a Kantian conception, which requires us to regard autonomy as "intrinsically valuable because it reflects our rational nature."[161] Moreover, a Millian conception should not be seen as a view which asks us to view "non-conformist individuality as an intrinsic good."[162] Rather, Kymlicka maintains that a Millian conception of autonomy "is simply the claim that autonomy enables us to assess and learn what is good in life and why. It presupposes we have an essential interest in revising those of our current beliefs about value which are mistaken."[163] Put another way, Kymlicka thinks that each of us has an essential interest in developing, examining, and possibly revising our preferences and beliefs about value. However, I think there are problems with framing his conception of autonomy as "Millian" for the following reasons.

For one, as Kymlicka himself notes, "this label may be misleading, since Mill never used the term autonomy."[164] But, a more pressing issue is that Mill and his account of liberalism is more closely associated with a particular kind of perfectionist liberalism. As I noted in Chapter 1, defenders of perfectionist liberalism claim that liberalism is based upon an ideal of the good life and that the state is justified, perhaps required, to actively promote this ideal to citizen through laws and policies. A quick glance at Mill's view of liberalism bears this out. For example, part of Mill's argument for liberal rights is that they contribute toward individual self-development and the cultivation of

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[160] Kymlicka, "Two Models of Pluralism and Tolerance," 41.

[161] Kymlicka, "Two Models of Pluralism and Tolerance," 41, fn. 9.

[162] Kymlicka, "Two Models of Pluralism and Tolerance," 41, fn. 9.

[163] Kymlicka, "Two Models of Pluralism and Tolerance," 41, fn. 9.

[164] Kymlicka, "Two Models of Pluralism and Tolerance," 41, fn. 9.

individuality.[165] For Mill, the right to autonomy (along with education, conscience, and speech, among others) is a necessary element of individual well-being, for this right allows a person to acquire a strong sense of his individuality and to establish his commitment to character perfection. However, while Kymlicka agrees with Mill that liberal rights are necessary preconditions for leading a good life, he explicitly rejects the idea that they are necessary for citizens to develop their individuality.[166] Perhaps most troubling is that Mill defends his liberalism in terms of utility, which means that *in principle* this permits the state to take steps to actively promote individual freedom in order to increase overall utility. While Mill certainly resisted the idea that the state should *force* individuals to be free, the worry is that state coercion in citizens' lives could be easily justified on Mill's view. Clearly, Kymlicka would reject this kind of imposition on individuals, even in the name of increasing their freedom, on the basis that it would violate the endorsement constraint. Lastly, given that critics have raised the concern that Kymlicka's theory of liberalism licences state intervention in citizens' lives (which I argue is unfounded in Chapter 5), I think it is in the best interest of Kymlicka to disassociate his view of autonomy (and his theory of liberalism more generally) from Mill or to refer to it as "Millian."

It is my contention that Kymlicka's view of autonomy is socio-relational and here's why. There are four main theories of autonomy: proceduralist, strong substantivism, weak substantivism, and socio-relational. Given that these are exhaustive of the views in the literature, then Kymlicka's theory of autonomy must be one of

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[165] For his defense of individual liberal rights, see John Stuart Mill, *On Liberty*, Part I; for his defense of individuality as necessary for well-being, see Part III.

[166] Kymlicka, "Two Models of Pluralism and Tolerance," 41, fn. 9.

these.[167] I have argued that Kymlicka's view of autonomy is not proceduralist, not strong substantivist, and not weak substantivist. This leaves only socio-relational autonomy, so this is Kymlicka's view. However, I'm not simply making a negative claim here about his view. When we examine the particulars of Kymlicka's theory of autonomy, we find evidence to support my claim that his theory is socio-relational. As we have seen, socio-relational views claim that social conditions are part of the defining conditions for autonomy. A person's social conditions are partly constitutive of her autonomy. This means that a person must meet certain proceduralist standards, but it is also necessary that her social conditions meet certain normative standards in order that she qualifies as autonomous. Although Kymlicka doesn't put it like this in his own discussion, I argue that his view upholds this way of thinking about autonomy.

Consider first that Kymlicka doesn't regard autonomy as primarily or only a matter of having the right kinds of psychological states or engaging in the proper critical reflection. To be sure, these play a role in his account of autonomy and he argues that individuals must arrive at their conceptions of the good through the right critical process, free from manipulation, coercion, or cognitive impairment.[168] Moreover, Kymlicka thinks that individuals must have the ability to rationally revise their good through critical reflection. But, if Kymlicka thought (as proceduralists do) that autonomy is merely a

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[167] Of course, there exists the possibility that Kymlicka's view of autonomy is one that isn't yet represented in the literature. However, I argue that this potential future view would have to regard social conditions as constitutive of autonomy in order to be the kind of view of autonomy Kymlicka espouses in his liberalism.

[168] Kymlicka: "No one can live my life for me. But amongst the people who are leading their lives from the inside are people who have been brainwashed into accepting certain ends as their own, and who are discouraged from trying any other ways of life, through the systematic control of socialization, of the press, and of artistic expression. And this is unacceptable to the liberal," (*Liberalism, Community, and Culture*, 18-19.)

function of the critical processes one engages in, then he would not have introduced requirements for autonomy beyond this. As we have seen, Kymlicka also thinks that individuals must live in the proper kinds of social conditions in order to qualify as autonomous. In Chapter 2, I argued that Kymlicka thinks that social conditions are not merely causally related to autonomy, but part of the defining conditions of autonomy. On Kymlicka's view, a person cannot, by definition, be autonomous unless certain social conditions are in place (and provided that she meets the other conditions for autonomy). I take it, then, that Kymlicka agrees with Oshana when she claims that "social relations do not just causally facilitate or impair the exercise of autonomy. Rather, appropriate social relations form an inherent part of what it means to be self-directed."[169] If this is correct, then Kymlicka's view of autonomy is socio-relational.

I want to suggest that we see further evidence of Kymlicka's commitment to a socio-relational account of autonomy in his defense of group rights. According to Kymlicka, being autonomous involves (among other things) "making choices amongst various options, and our societal culture not only provides these options, but also make them meaningful to us."[170] Following Ronald Dworkin, Kymlicka claims that a societal culture has "'a shared vocabulary of tradition and convention' which underlies a full range of social practices and institutions."[171] So, for Kymlicka, there is a connection between autonomy and culture and this leads him to formulate an argument for group

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[169] Oshana, *Personal Autonomy in Society*, 49.

[170] Kymlicka, *Multicultural Citizenship*, 83.

[171] Kymlicka, *Multicultural Citizenship*, 83.

rights.[172] Membership in a societal cultural is necessary for a person's autonomy.[173] This is because a societal culture provides the context in which a person develops her capacity for autonomy and provides her with a range of meaningful options. According to Kymlicka, the necessity of this access to a societal culture is one reason that the liberal state is justified in providing group rights to minority groups. The societal cultures of some minority groups are at risk of extinction as a result of the pressures (some intentional, some not) exerted by the majority group. If a societal culture *does* go extinct, and if one necessary condition for autonomy is that individuals need access to a societal culture, then individuals who lack access to a societal culture will fail to be autonomous.[174] On Kymlicka's view, then, individuals require not only the ability to critically reflect, and rationally revise their good in order to be autonomous; individuals' social conditions are partly constitutive of their autonomy. As we have seen, Kymlicka suggests that these social conditions include standard liberal rights and freedoms, e.g. association, conscience, privacy, apostasy, mandatory education,[175] as well as access to a societal culture.[176] I suggest that Kymlicka's argument for group rights provides further

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[172] Kymlicka, *Multicultural Citizenship*, 83-84. See also *Liberalism, Community, and Culture*, 164-166.

[173] Kymlicka also argues that membership is necessary for the development of individual self-respect. However, I set aside discussion of this aspect of his argument because it doesn't impact my own argument. See Kymlicka, *Liberalism, Community, and Culture*, 165.

[174] So, on Kymlicka's view, Robinson Crusoe would not be autonomous, given that he fails to meet one of the necessary conditions for autonomy, i.e. living in a societal culture which provides him with meaningful options.

[175] Kymlicka, *Liberalism, Community, and Culture*, 13; *Multicultural Citizenship*, 82-83.

[176] Here, I set aside the complex issue (of which Kymlicka is aware) of whether a person needs access to *her own* societal culture, or whether she needs access to *a given* societal culture. See *Multicultural Citizenship*, 84-101.

evidence that he thinks social conditions are part of the definition of autonomy, and not merely causally relevant.

At this point, I want to return to the problem I raised for Oshana's socio-relational view in the section entitled "Oshana and Content-Neutrality," because this issue has direct bearing on my argument that Kymlicka's view of autonomy is socio-relational. I said earlier that Oshana's socio-relational view is not content-neutral: it places restrictions on the kinds of preferences that individuals can hold and count as autonomous. As I noted, this poses two problems for Oshana's account: it subjects her view to the same kinds of paternalism worries to which strong substantivist views are subject; and content-neutrality seems at odds with her own ideas about what kinds of cases a theory of autonomy should accommodate. In addition, if a socio-relational view places content restrictions on preferences and beliefs, then Kymlicka's view cannot be socio-relational. This is because these kinds of content restrictions are inconsistent with a key part of his liberalism, i.e. the endorsement constraint. So, in light of the problems that face socio-relational autonomy because of its rejection of content-neutrality, I argue that a socio-relational view of autonomy should set aside content restrictions on people's preferences and beliefs. Let's call this view weak socio-relational autonomy and I'll say a bit more about it, before I turn to considering how this move affects Oshana's account.

The view I advance here still retains most of Oshana's key insights about autonomy. A weak socio-relational view still regards a person's social conditions as constitutive of her autonomy, so the standards for autonomy introduced by Oshana must obtain. But, the key difference between Oshana's account and a weak socio-relational view is that the latter doesn't impose content restrictions on individuals' preferences and

beliefs. This move makes it possible for a person to choose on the basis of a preference for subordination, even slavery, and count as autonomous on a socio-relational view. Because a weak socio-relational view doesn't impose content restrictions, then individuals can choose on the basis of any value commitments and count as autonomous (provided they meet the proper socio-relational standards for autonomy). So, here is one way that a weak-socio-relational view differs from Oshana's own account. Oshana thinks that a person like Harriet can be autonomous and make an autonomous choice to be nonautonomous. However, once Harriet successfully makes this choice, i.e. she is actually subordinate, Oshana claims that *Harriet no longer counts as autonomous*. In contrast, I am denying this latter claim. I am claiming that Harriet can be autonomous and make an autonomous choice to be nonautonomous *and still count as autonomous* after she successfully makes this choice. On my view, Harriet will qualify as weakly socio-relationally autonomous. So, we say that a person is weakly socio-relationally autonomy if she exercises *or could exercise de facto* authority over her life. To say that someone *is* exercising *de facto* authority over her life refers to a person like Joan, who prefers to lead an independent life and makes a choice to be an investment banker. To say that someone *could* exercise *de facto* authority over her life refers to someone like Harriet who chooses subordination and so is not *currently* exercising, but *could* exercise this kind of authority over her life. Let me note immediately the following three qualifications for labelling someone as weakly socio-relationally autonomous in this latter sense.

First, when I say "*could* exercise *de facto* authority," I want this to pick out people who *in fact already* have a developed capacity for autonomy and the ability to exercise it. If "could exercise" referred merely to people who *in principle* could develop

their capacity for autonomy and exercise it, this would be too broad, and we would be forced to regard as autonomous some individuals who we intuitively think are nonautonomous. So, this means that the severely disabled, people in comas, and children will not count as weakly socio-relationally autonomous because they *could* exercise *de facto* authority over their lives.

The second qualification is this. A person who chooses subordination and counts as weakly socio-relationally autonomous because she *could* exercise *de facto* authority over her life must make her choice *as an autonomous agent*. To make this point clear, let's return to the example of Harriet. On Oshana's own account, Harriet is born and raised in a liberal state, in which she is socialized to believe in gender equality, has wide exposure to different ways of living, and is well-educated. Let's call her Liberal State Harriet. Liberal State Harriet critically reflects upon the diverse value systems she has encountered and comes to decide that her good rests in subjecting herself to male authority. *Before* she makes her choice to live a subordinate life, we can regard Liberal State Harriet as weakly socio-relationally autonomous because she *currently* exercises *de facto* authority over her life.[177] The reason that she exercises this kind of authority over her life is largely because of the social conditions in which she lives. *After* she makes her choice for subservience, however, I want to argue that we *can continue* to regard Liberal State Harriet as autonomous because she *could* exercise *de facto* authority over her life.[178] The reason that she *could* exercise this authority is due in large part to the social

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[177] This would also be true on Oshana's own account.

[178] Oshana's account of autonomy denies this point.

conditions in which she lives.[179] Even though Liberal State Harriet is *not currently* exercising *de facto* authority over her life, she lives in social conditions which would allow her to change her mind about her choice to live a subordinate life.[180] In contrast, suppose Harriet was raised in a closed religious community (such as the Fundamentalist Church of Jesus Christ of Latter Day Saints in Bountiful), in which she is socialized to believe that women ought to be subordinate to male authority, has little contact with other people or points of view outside of her community (although she is certainly aware that people lead different kinds of lives), and receives limited education by members of her community. Let's call her FLDS Harriet and let's suppose that she makes a choice to be subservient to male authority. I argue that FLDS Harriet is not weakly socio-relationally autonomous *even though she makes the same choice as Liberal State Harriet* and here's why. *Before* FLDS Harriet makes this choice, she does not exercise authority over her life and we can trace this lack of authority to her social conditions. *After* she makes her choice to be subservient, FLDS Harriet still *could not* exercise *de facto* authority over her life and we can again explain this inability by appealing to the social conditions in which

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[179] In fact, my view would allow that a Liberal State Slave could qualify as weak socio-relationally autonomous. This is because a slave continues to live in social conditions which could allow him to exercise *de facto* authority over his life. Would the liberal state allow voluntary slavery? The answer is yes. Consider the D/s (or Dominant and submissive) community, in which a submissive voluntarily consents to be a slave, i.e. to give total control over every aspect of one's life to a Dominant. However, even if a submissive is living in servitude to a Dominant, it remains the case that he or she is living in a liberal state, in social conditions which could allow her to reject her position as a slave and choose otherwise.

[180] This is similar to Oshana's examples of the monk and the military recruit. See *Personal Autonomy in Society*, 62-64. So, it's true that Oshana's view of autonomy allows for *certain* individuals to autonomously choose nonautonomy. The difference between her view and my view, however, is that my view allows *any* individual to make this kind of choice, *provided that he or she makes the choice in the proper social conditions.*

she lives.[181]

The third qualification in claiming that a person is weakly socio-relationally autonomous if she *could* exercise *de facto* authority over her life is this. If Liberal State Harriet can autonomously choose nonautonomy and continue to be regarded as weakly socio-relationally autonomous, she must *continue to live* in the same social conditions she lived in *before* she made her choice. Here's what I have in mind. Liberal State Harriet must continue to live in social conditions which would allow her the "exit option" to leave her current subservient way of living and re-exert *de facto* authority over her life, should she decide that her good doesn't involve subordination. On a weak socio-relational account of autonomy, Liberal State Harriet may autonomously choose to refrain from using her capacity for autonomy by choosing to be subordinate to the will of another. But, she must be able to retain her capacity and begin to use it again, should she decide that her good no longer involved submission to authority. Liberal State Harriet cannot submit to authority and never have the opportunity to change her mind and reject this way of living.

I take it that Oshana would resist this line of argument on several different grounds. First, Oshana would argue that even if a person autonomously chooses nonautonomy and continues to live in social conditions which could allow her to exercise *de facto* authority over her life, "this is no guarantee that autonomy was not abdicated, and is no guarantee that autonomy is present after the fact."[182] There are two concerns

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[181] Is it possible for FLDS Harriet to make this choice in a liberal society and qualify as autonomous? Yes, but only if certain details were altered, e.g. the kind of education she received and the kinds of options open to her. Once having altered these details, however, I argue that FLDS Harriet would essentially be Liberal State Harriet.

[182] Oshana, Personal *Autonomy in Society*, 64.

here. First, Oshana regards autonomy as a condition of persons who exercise *de facto* authority over their lives in an ongoing manner, rather than a latent capacity which can be "revived" at some later point. If Liberal State Harriet chooses nonautonomy, there is no guarantee that she will then be able to exercise it again after refraining from exercising it for an extended period of time. The second concern for Oshana is that I am altering her view too much, so that the fundamental elements of her theory no longer apply. For example, Oshana maintains that "a person who abdicates his choices is not fully autonomous, even if his choice-making capacity remains intact and even if he has the right to autonomy. The capacity must be exercised or actualized in order for a person to qualify as globally autonomous."[183]

In response to the first worry, I agree that there is "no guarantee" that Liberal State Harriet will be able to exercise her capacity for autonomy once she stops using it on a daily basis. However, I want to suggest that the "guarantee" standard is too high. After all, what steps would be required to "guarantee" this? My concern is that guaranteeing that a person could exercise her capacity for autonomy after a prolonged period of disuse would require paternalistic measures on the part of the state. Of course, the state is still in the position to foster social conditions to support someone like Liberal State Harriet, should she decide that she no longer wants to live a subordinate life. For example, the state could work to provide genuine exit options for her, in terms of creating social services to assist people like Harriet or supporting civic groups which provide aid. While it's true that these measures won't "guarantee" that she can exercise her capacity for

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[183] Oshana, *Personal Autonomy in Society*, 9.

autonomy once again, they will provide the possibility and I think that is the best we should aim for.

In response to the second concern, I will admit that the changes I suggest will alter Oshana's theory of autonomy, so that autonomy will *sometimes* have to be regarded as a latent capacity, e.g. in cases in which individuals choose nonautonomy. However, I think this is a small price to pay, because the introduction of weak socio-relational autonomy puts Oshana in a position to sidestep the objections I raised earlier.

First, because there are no restrictions on the kinds of preferences and beliefs individuals can hold and qualify as autonomous, this ensures that a weak socio-relational view is not subject to the paternalism objections I raised earlier. Because a weak socio-relational account of autonomy is content-neutral, then the standard worry concerning the possibility of paternalism is forestalled. Recall that critics raised this line of objection against strong substantivist views on the grounds that "dispensing" the "right" preferences and beliefs to individuals provided *prima facie* justification for intervening in the lives of those who hold the "wrong" preferences. However, I have argued that a weak socio-relational account accepts content-neutrality, which means that it doesn't prescribe to individuals the values they should hold or reject. So, it is open to individuals on the revised socio-relational view to hold, in some sense, the "wrong" values and yet still qualify as autonomous. If this is the case, then the worry about paternalism disappears. Moreover, even though a view of autonomy doesn't "dispense" values to people, it's still open to claim that some ways of living are better than others, even if autonomously

chosen, and this is precisely the point that Kymlicka makes in his liberal theory.[184]

Oshana could respond along the following lines: even if a weak socio-relational view of autonomy gets around the paternalism objection that also plagues strong substantivist views, it may not avoid the kinds of objections raised against proceduralist accounts of autonomy. If a weak socio-relational view is content-neutral, then it seems that this account will be subject to the same objections as proceduralism. Recall that strong substantivist critics of proceduralism argue that such views result in a paradox because of their commitment to content-neutrality. If a person can choose on the basis of any value commitment, this means that it is possible for a person to choose subordination or even slavery and qualify as autonomous, provided she meets the standards for autonomy. But, strong substantivist critics ask: how can we regard as autonomous a person who chooses nonautonomy, i.e. a way of living in which she does not and cannot determine her preferences and beliefs for herself? In response, I argue that the force of this objection is weakened for the following considerations. A person such as Liberal State Harriet who chooses nonautonomy and counts as autonomous on a weak socio-relational view *has already* determined her preferences and beliefs *as an autonomous agent*. Moreover, part of the reason that Liberal State Harriet counts as weakly socio-relationally autonomous is that she *continues to have* a genuine range of meaningful options and opportunities open to her, even though she has chosen subordination. Because Liberal State Harriet had and continues to have the ability to exercise *de facto*

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[184] Oshana agrees with this line of thinking: "Liberalism need not regard as equally good every expression of autonomy, every way of life, and the multitude interpretations of the good," (*Personal Autonomy in Society*, 108.)

authority over her life because she could choose to reject her life of subordination, the paradox doesn't seem as pressing.

Conclusion

One implication of my argument, however, is that the liberal state is placed in a position in which it makes moral judgments about citizens' social conditions. A liberal state which adopts a weak socio-relational account of autonomy must make judgments about the kinds of social conditions that are constitutive of autonomy and must examine the social conditions in which citizens currently live, in order to determine whether these conditions are in fact constitutive of autonomy. For example, on a weak socio-relational account, a person's social conditions must provide her with access to an objectively valuable range of options.[185] But, if her social conditions fail to meet this standard, the liberal state must take steps to ensure that this range of options is available to her. Because the liberal state takes this kind of stand, this seems to run afoul of another fundamental aspect of Kymlicka's liberalism: his commitment to neutrality. In the next chapter, I address the following concern: is it possible for Kymlicka to incorporate a weak socio-relational view of autonomy in his liberalism *and* uphold his commitment to neutrality?

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[185] That is, the value or importance of the range of options is not decided by the individual herself.

CHAPTER 5

SOCIO-RELATIONAL AUTONOMY AND NEUTRALITY

Introduction

This chapter concerns the compatibility between Kymlicka's commitment to neutrality and to his socio-relational view of autonomy. As we have seen, one of the key motivating assumptions of Kymlicka's liberalism is the claim that each of us has an essential interest in leading an objectively good life. What kinds of lives are objectively good? Kymlicka doesn't offer us a particular theory of the good. But, he does argue that in order to lead an objectively good life, one must lead it from the inside, according to the beliefs that one deems valuable. Furthermore, he argues that being autonomous is one necessary condition for leading life from the inside. In this project, I've argued that Kymlicka's account of autonomy is socio-relational. On this view, a person's social relations are largely constitutive of her autonomy although having the proper psychological states and having the ability to rationally revise one's good is also necessary for autonomy.

However, another key aspect of Kymlicka's liberalism is his commitment to neutrality. Theorists disagree over what neutrality is and what it means for the liberal state to be neutral, and I explore these various conceptions in this chapter. For now, we can say that, in rough terms, a neutral liberal state takes no stand on the moral worthiness of citizens' ways of living or value frameworks. Kymlicka offers three arguments in

defense of neutrality, which I elaborate on below. Following Thomas Hurka, I will refer to the three arguments as 1) the endorsement argument, 2) the revision argument, and 3) the distortion-of-values argument.[186] Kymlicka's arguments to justify neutrality are both interesting and controversial among liberal theorists because they rest upon substantive grounds. In plain terms: Kymlicka justifies neutrality in non-neutral terms. Liberal critics of Kymlicka challenge the viability of these arguments, although for different reasons, depending upon their liberal commitments. In this chapter, my plan is to focus upon the dispute between Kymlicka and political liberals.

Political liberals, such as Jonathan Quong, agree with Kymlicka that the liberal state should appeal to neutral reasons to justify day-to-day laws and policies.[187] However, Quong argues that approaches such as Kymlicka's, which appeal to the revision argument to justify neutrality, are *inconsistent*.[188] How can Kymlicka claim he endorses neutrality and yet justify the neutral state according to a non-neutral ideal such as autonomy? On Quong's view, once we appeal to a particular conception of the good to justify neutrality, we are also endorsing perfectionism, whether we acknowledge it or not. As I noted in the introductory chapter of this project, perfectionism is the claim that there are certain ways of living that constitute human excellence (or perfection). A perfectionist state is one that is permitted, perhaps required, to promote these ways of living in its laws and principles (and perhaps less worthy ways of living penalized). Accordingly, a perfectionist state

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[186] Hurka, "Indirect Perfectionism: Kymlicka on Liberal Neutrality," 39-40.

[187] Quong, *Liberalism Without Perfection*, 22-26.

[188] I should note that Quong is not responding directly to Kymlicka. Instead, Quong is directing his inconsistency argument against antiperfectionist comprehensive views of liberalism in general (*Liberalism Without Perfection*, 22-25). However, because Quong classifies Kymlicka as an antiperfectionist comprehensive liberal (*Liberalism Without Perfection*, 19, fn. 14), I take it that Quong would regard Kymlicka's view as subject to his inconsistency argument.

rejects state neutrality because it would prevent the state from promoting objectively good ways of living. Given that one of Kymlicka's arguments justifies neutrality by appealing to autonomy, Quong argues that the type of liberalism Kymlicka endorses is promoting the autonomous life. Yet, Kymlicka claims that he endorses neutrality, so Quong thinks there is an inconsistency in his view.

Furthermore, the central claim I have argued for in this project – that Kymlicka's view of autonomy in his liberalism is socio-relational – seems only to add force to Quong's line of thinking. Because Kymlicka endorses a socio-relational view of autonomy, it seems plain that he is promoting a conception of the good life (and not a thin or proceduralist conception of autonomy). So, it seems that Quong is right about his claim that views like Kymlicka's are not neutral and thus, inconsistent with Kymlicka's own assertion that his liberalism embraces neutrality.

In this chapter, I will argue that Kymlicka's position on neutrality isn't inconsistent. So, what makes mine a novel conclusion? I argue that once we get clear on Kymlicka's particular approach to liberal neutrality, this will show that Kymlicka's liberalism isn't inconsistent, even though he subscribes to a weak socio-relational view of autonomy and appeals to it in order to justify his commitment to neutrality. To achieve my argumentative aims, however, it is crucial to be clear on 1) what the concept of neutrality involves and 2) what practical steps we might expect a liberal state to take in order to count as neutral. I begin with some conceptual ground-clearing and present a taxonomy of the various conceptions of neutrality in the literature.

The Concept of Neutrality and Liberal Theories

As I noted above, while perfectionist thinkers reject neutrality, comprehensive liberals such as Kymlicka and political liberals regard it as central to any reasonable liberal theory. In answer to the question "what does it mean for the liberal state to enact its commitment to this ideal?" theorists who endorse neutrality offer the following gloss: the liberal state must refrain from taking a stand on controversial debates over the good life. It should be clear that the idea of "taking a stand" must be explained and there is no shortage of liberal theorists who have taken on this task. However, one problem that tends to emerge in this debate is that theorists may not make the necessary distinctions when talking about neutrality and the ensuing debates often result in talking at cross-purposes. In particular, although both Kymlicka and political liberals are committed to neutrality, defenders of these views are often lumped together in discussions about neutrality. This is misleading because while they share many of the same theoretical commitments, there is one fundamental disagreement between them. Even among political liberals, there is disagreement over what the commitment to neutrality requires, a disagreement which is not always brought to bear. With these thoughts in mind, I devote this section to unpacking these distinctions with the aim of pinpointing exactly what Kymlicka and political liberals are committed to with respect to the ideal of neutrality. But before I do this, I will say a couple of brief words about the appeal of neutrality itself.

Generally speaking, defenders maintain that neutrality is an attractive ideal because it provides a bulwark against paternalistic intervention on the part of the state into the lives of citizens. It will be helpful to introduce the following distinctions about paternalism. According to Gerald Dworkin, "pure" paternalism involves coercing people

to act in certain ways for their own good.[189] Defenders of neutrality, however, reject pure paternalism. They think that individuals in liberal states should be free to make their own choices, on the basis of conceptions of the good life they deem worthwhile, free from state interference. Because citizens make their choices against a backdrop of free institutions, we expect them to make different kinds of choices and endorse a wide-range of conceptions of the good life. In fact, we find this to be the case. In liberal states, there are some who pursue degrees in physics and work for NASA and others who are members of the Flat-Earth Society. With neutrality in place, however, the liberal state may not intervene in the choices of citizens on the grounds that these choices are not morally worthwhile or that citizens' lives will go better if they are led to make different (that is to say more morally worthwhile) choices. Let's note the following qualification. Does a commitment to neutrality mean that the liberal state can *never* get involved in citizens' choices? This is too strong. Citizens' choices (and the conception of the good life from which they arise) must be *justice-respecting*.[190] Failing this, the liberal state is required by justice to step in and prevent a citizen from acting on a non-justice-respecting choice. For example, the state cannot justly permit Sally to act on her religious beliefs if these require her to engage in human sacrifice. Nor can the state allow Marcus to act on his beliefs about proper gender relations if these require him to physically prevent his wife from leaving the house. However, neither Sally's nor Marcus's case involves pure paternalism because the state isn't coercing Sally and Marcus *for their own good*, but

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[189] Gerald Dworkin: pure paternalism is a case in which "the class of persons whose freedom is restricted...is identical with the class of persons whose benefit is intended to be promoted," ("Paternalism," *Monist* 56 (1) 1972: 64-84, 68). According to Dworkin, some key examples of pure paternalism are laws requiring individuals to wear seatbelts and requiring Christian Scientists to receive life-saving blood transfusions (68).

[190] Kymlicka, *Contemporary Political Philosophy: An Introduction*, *Second Edition*, 217.

rather *for the good of others*.[191] Nevertheless, there is a wide-range of justice-respecting conceptions of the good, some of which lead individuals to live decent and dignified and perhaps righteous lives, while others lead ignoble or base lives.[192] In either case, however, so long as a person's conception of the good life is justice-respecting, the state committed to neutrality cannot actively interfere with citizens' choices, even if a citizen leads a morally corrupt life.[193]

I said earlier that a liberal state committed to neutrality takes no stand on the worthiness of citizens' justice-respecting ways of living, so let's unpack this idea now. In the literature, theorists have identified three different versions of the ideal of neutrality: 1) neutrality of aim; 2) neutrality of justification; and 3) neutrality of effect or outcome. I'll begin with, in order to bracket, neutrality of effect. According to this version of the ideal,

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[191] On Dworkin's account, interfering with Sally and Marcus would count as a case of impure paternalism. According to Dworkin, impure paternalism is when the state "in trying to protect the welfare of a class of persons...find[s] that the only way to do so will involve restricting the freedom of other persons besides the ones benefitted," ("Paternalism," 68). So, in other words, I take it that Dworkin thinks that a case of impure paternalism is one in which the state limits Marcus's freedom, but this limitation isn't for his benefit, but for the benefit of his wife. However, it's not clear why this is a case of paternalism at all, given that the limitation on Marcus's liberty isn't for his benefit, which is the hallmark of paternalistic action. Indeed, Dworkin himself acknowledges that some might think that impure paternalism doesn't exist and that intervening in cases such as Sally's and Marcus's could be justified according to the harm principle (68).

[192] To my mind, we can demonstrate this point perfectly by appealing to the life of GG Allin, who was a punk-rock musician and performance artist in the 1970s and 80s. Allin lead an unorthodox life, in that he travelled constantly, owned few possessions, and had serious drug and alcohol addictions. Allin was also famous for his live performances in which he would strip naked, eat his own feces, self-mutilate, and often physically assault members of the audience. While the state *did* step in when Allin assaulted his fans (by arresting him), Allin's life exemplifies a life led on the basis of morally degraded choices. Yet, liberal state committed to neutrality is not permitted to step in and restrict Allin's choices concerning how *he* wanted to lead his life.

[193] However, it's also the case that the liberal state intervenes in the lives of those citizens who endorse a justice-respecting conception of the good. For example, the liberal state imposes laws related to wearing motorcycle helmets and seatbelts. Clearly, these laws and policies intervene in citizens' lives, by dictating the kinds of choices they must make for their own good. If we are committed to neutrality, this kind of intervention isn't justified. Of course, someone might argue that helmet and seatbelt laws are in place in order to avoid harming *others*, e.g. because helmets reduce or avoid injuries, this will keep insurance rates lower for everyone.

neutrality of effect requires the liberal state to avoid policies or laws that give advantage to one conception of the good (or its adherents) over others. Put slightly differently, neutrality of effect holds that laws and policies must equally favour all citizens to pursue their conception of the good. Sometimes, perfectionist critics argue that this is what proponents of neutrality mean when they say the state should be neutral.[194] But, this is not the kind of neutrality that Kymlicka or political liberals want to defend, on the grounds that it places such demands on the state to render the concept incoherent.[195] Neutrality is not an outcome-oriented ideal: it does not involve creating or avoiding particular kinds of results.[196] Some ways of living will not or cannot flourish in the liberal state, even if justice-respecting. For example, those who defend deep-ecology "off-the-grid" modes of living may find it difficult to maintain themselves over time, given the social and economic hardships in doing so. This is unfortunate but expected in light of

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[194] Most notably, Joseph Raz has argued for this claim. See *The Morality of Freedom*, Oxford: Clarendon Press, 1988, 116-7.

[195] As Arneson explains: "Basic religious tolerance straightforwardly violates neutrality of effect. If the state guarantees that all its members are free to practice the religion of their choice and proselytize freely on behalf of any religious belief they care to defend, the effects of this policy of religious toleration will be nonneutral. Some religious doctrines are implausible and cannot withstand public scrutiny and open debate. If the implausible doctrine sect must defend its creed in freewheeling debate, the sect loses adherents, but if religious proselytizing were prohibited, the sect might well thrive, or at least retain members for many generations. Sects espousing plausible doctrines (doctrines that will find willing adherents in free and open religious debate) will be advantaged in the sense of gaining more adherents under a regime of freedom of religion than under a no-poaching regime in which adherents of rival sects are not permitted to attempt to persuade others to convert to their own sect. But most friends of the neutrality ideal would regard neutrality in any relevant sense as satisfied not violated by the regime of freedom of religion including religious free speech no matter what sects gain and what sects lose under this regime," ("Liberal Neutrality on the Good: An Autopsy," in *Perfectionism and Neutrality: Essays on Political Theory*, eds. George Klosko and Steven Wall, New York: Rowman & Littlefield, 2003: 192-218, 193.)

[196] As Rawls notes, "it is futile to try to counteract these effects and influences, or even to ascertain for political purposes how deep and pervasive they are. We must accept the facts of commonsense political sociology," *Political Liberalism*, 193.

the political and economic systems which influence the ability and costs involved in pursuing various religious or philosophical views.[197] A liberal state committed to neutrality, however, is not obligated to mitigate the effects of its political and economic arrangements in order to ensure that all conceptions of the good have equal chance to flourish.

So, if Kymlicka and political liberals do not endorse neutrality of effect, then they must endorse neutrality of aim or neutrality of justification or both. As I understand Kymlicka and political liberals, the ideal of neutrality they endorse combines both of these versions of the ideal.[198] For both Kymlicka and political liberals, a liberal state must satisfy *both* neutrality of aim and neutrality of justification in order to be considered neutral. I'll consider neutrality of aim first. A liberal state committed to neutrality of aim cannot *intentionally promote or endorse* through its laws and policies some ways of living over others.[199] It is important to note that neutrality of aim is neither "toleration" nor "celebration of diversity," for both of these involve making some kind of judgment about certain ways of life or value commitments.[200] Rather, neutrality of aim requires that the state makes *no judgments* about citizens' values or modes of living (with the caveat that these are justice-respecting.) Neutrality of justification, on the other hand, requires

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[197] Rawls, *Political Liberalism*, New York: Columbia University Press, 1993, 197; Ronald Dworkin, "Foundations of Liberal Equality," in *Equal Freedom: Selected Tanner Lectures on Human Values*, Stephen Darwall, ed., Ann Arbor: University of Michigan Press, 1995, 190-306, 301.

[198] In making this claim, I follow Arneson, "Liberal Neutrality on the Good: An Autopsy," 193.

[199] See Rawls, *Political Liberalism*, 190-194; see Kymlicka, *Liberalism, Community, and Culture,* Oxford: Clarendon Press, 1989, 10-13; "Liberal Individualism and Liberal Neutrality," *Ethics*, Vol. 99, No. 4, (1989), 883-905, 899-902.

[200] Christman, *Social and Political Philosophy: A Contemporary Introduction,* 98-99.

that the state justifies its day-to-day policies and laws or basic, constitutional matters by appeal to *neutral* reasons. By neutral reasons, I mean reasons that are not grounded in or make evaluations of morally contested values or the superiority of some conceptions of the good life over others. For the ease of exposition, let's stipulate that when I refer to neutrality, I intend this to refer to both neutrality of aim and neutrality of justification.

If both Kymlicka and political liberals agree that the liberal state's commitment to neutrality requires 1) rejecting neutrality of effect and 2) accepting neutrality of aim and neutrality of justification, where, then, does the disagreement between them arise? Kymlicka and political liberals disagree over *how we justify the ideal of neutrality itself.* Kymlicka thinks that we can and should appeal to non-neutral (or perfectionist) reasons to justify neutrality. As I noted earlier, Kymlicka offers three arguments in defense of the ideal. His strategy in each of these arguments is this. The state can either accept perfectionism or accept neutrality. Kymlicka wants to make clear the consequences that follow if the liberal state accepts perfectionism. Because these consequences are problematic from a liberal perspective, this should give liberals a reason to endorse neutrality.

Kymlicka's first argument is this: if the state embraces perfectionism, then the state violates the endorsement constraint and violating this constraint is self-defeating.[201] Recall that the endorsement constraint claims that a person's life only goes well if he endorses his preferences and beliefs as valuable from the inside. Suppose the state claims that praying to God is a valuable activity, one which all citizens should engage in so that they lead good lives. Suppose further that some individuals deny that praying to God is

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[201] Kymlicka, *Contemporary Political Philosophy: An Introduction*, *Second Edition*, 215-216.

valuable, but are coerced by the state to pray to God. On Kymlicka's view, however, once we force individuals to embrace certain preferences or beliefs, they aren't leading good lives, *even if they are wrong about the value of those preferences or beliefs*. As Kymlicka points out, a perfectionist policy "may succeed in getting people to pursue valuable activities, but it does so under conditions in which the activities cease to have value for the individuals involved. If I do not see the point of an activity, then I will gain nothing from it. Hence paternalism creates the very sort of pointless activity that it was designed to prevent."[202] So, because perfectionism is self-defeating on Kymlicka's view, we should reject it and accept neutrality instead.[203]

The second argument Kymlicka makes in defense of neutrality is this: a perfectionist state interferes with citizens' ability to rationally revise their value commitments.[204] As I discussed in Chapter 3, Kymlicka thinks it is possible, perhaps likely, for individuals to be mistaken about their good. Given this possibility, individuals must be able not only to critically reflect upon their good as they currently understand it,

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[202] Kymlicka, *Contemporary Political Philosophy: An Introduction*, *Second Edition*, 216.

[203] What is the relation between perfectionism and paternalism? In *Contemporary Political Philosophy: An Introduction*, *Second Edition*, Kymlicka seems to use these terms interchangeably. He begins his argument against perfectionism, by asking: given our essential interest in leading an objectively good life and given the fact that we could be mistaken about what constitutes such a life, "should we therefore be perfectionists, supporting state policies which discourage trivial activities to which people are mistakenly attached?" (215). In other words, Kymlicka seems to be suggesting that perfectionist policies are designed to prevent people from engaging in the "wrong" activities. They are "wrong" because engaging in them does not allow people to lead objectively good lives. A perfectionist state, then, designs policies to discourage people from partaking in the "wrong" activities *for their own good*. If the state puts perfectionist policies in place to ensure that people don't make the "wrong" choices for their own good, then the state is paternalist. Indeed, Kymlicka goes on in the next paragraph and asks: "why then do liberals oppose state paternalism?" (216).

[204] Kymlicka, *Multicultural Citizenship*, 80-81.

but to change as they see fit or reject it entirely.[205] If the state is perfectionist and actively promotes through its policies one particular set of values or way of life, this makes it more difficult for citizens to rationally revise their beliefs, or perhaps prevents them entirely. As such, the absence of neutrality undermines one aspect of autonomy as Kymlicka understands the ideal.

Third, and finally, Kymlicka argues that a perfectionist state leads to a distortion of values in the cultural marketplace. Kymlicka identifies three possible sources of distortion. First, given that a perfectionist state is committed to the idea that some ways of living are objectively good, it seems likely that the state will make public evaluations about the inherent worthiness of citizens' ways of living. Of course, this isn't to suggest that these evaluations will be made "through the secret or unilateral decisions of political elites," but rather "arrived at through the collective political deliberations of citizens."[206] Even so, the worry for Kymlicka is that some individuals will be unable to articulate and defend their conception of the good in a clear and compelling way. In this situation, "a perfectionist state may take action which will make their way of life harder to maintain."[207] Certainly, Kymlicka acknowledges that, even in a neutral state, individuals who cannot articulate or defend publically their conception of the good will not flourish or be able to persuade others about the value of their way of living. However, the difference is this: in a neutral state, individuals who are inarticulate or unpersuasive will

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[205] Kymlicka: "Since we can be wrong about the world or value of what we are currently doing, and since no one wants to lead a life based on false beliefs about its worth, it is of fundamental importance that we be able rationally to assess our conceptions of the good in the light of new information or experiences, and to revise them if they are not worthy of our continued allegiance," (*Multicultural Citizenship*, 81).

[206] Kymlicka, "Liberal Individualism and Liberal Neutrality," 900.

[207] Kymlicka, "Liberal Individualism and Liberal Neutrality," 900.

not be subject to "adverse state action" as they would be in a perfectionist state.[208] From Kymlicka's perspective, a perfectionist liberal state "raises the prospect of a dictatorship of the articulate and would unavoidably penalize those individuals who are inarticulate."[209] Put differently, Kymlicka thinks a liberal state which makes moral evaluations about the worthiness of citizens' ways of living runs the risk of reifying "dominant ways of living, whatever their intrinsic merits,"[210] rather than allow citizens the space to make their own moral evaluations of various ways of living offered in the "cultural marketplace of ideas."[211]

The second source of distortion is this: given that many cultural and social groups (e.g. women, Blacks, Hispanics, First Nations) in the liberal state are already disadvantaged and lack recognition for their values in the cultural marketplace, a perfectionist state which reifies the dominant ways of living only serves to further disadvantage these groups. As Kymlicka points out,

> Members of these excluded groups...have been unable to get recognition for their values from the cultural mainstream and have developed (or retained) subcultures for the expression of these values, subcultures whose norms, by necessity, are incommensurable with those of the mainstream. It is unfair to ask them to defend the value of their way of life by reference to cultural standards and norms that were defined by and for others.[212]

The third and final source of distortion created in the cultural marketplace by a perfectionist state is this: because minority groups must persuade the majority about the

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[208] Kymlicka, "Liberal Individualism and Liberal Neutrality," 900.

[209] Kymlicka, "Liberal Individualism and Liberal Neutrality," 900.

[210] Kymlicka, "Liberal Individualism and Liberal Neutrality," 900.

[211] Ibid.

[212] Kymlicka, "Liberal Individualism and Liberal Neutrality," 900-901.

value of their ways of living, the former must appeal to arguments that are "palatable to the majority, even if that misdescribes the real meaning and value of the practices."[213] In other words, minority groups will have to appeal to ideals and concepts that the majority group can understand namely the ideals and concepts formulated by the majority group. As a result, the ideals and concepts of the dominant group are reinforced.

So, while Kymlicka offers three arguments in support of neutrality, his second argument is one that will interest political liberals most, and this is what I plan to focus on. As I said in footnote 3, Quong isn't responding directly to Kymlicka. Rather, Quong is saying that any antiperfectionist comprehensive liberal view that appeals to a non-neutral ideal to justify neutrality will be rendered inconsistent. Given that Kymlicka is an antiperfectionist comprehensive liberal and given that one of his arguments in defense of neutrality introduces autonomy, then I take it that Quong's arguments apply to Kymlicka's view. Quong offers two arguments in defense of this claim, but for my purposes here, I'll consider only the first argument.[214]

On Quong's view, once we appeal to particular ideals or conceptions of the good life to justify liberal neutrality, "such appeals are unlikely to establish why liberals must also reject perfectionism."[215] In other words, Quong thinks that Kymlicka cannot both incorporate a substantive ideal in his justification for neutrality *and* reject perfectionism.

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[213] Kymlicka, "Liberal Individualism and Liberal Neutrality," 901.

[214] The second argument Quong offers against antiperfectionist comprehensive liberal views in general is that the state can be perfectionist and not undermine citizens' autonomy in the way that Kymlicka says it will. If this line of thought is correct, then Kymlicka's second argument in defense of neutrality doesn't work. However, I don't consider this argument here because this is a standard perfectionist liberal argument, which perfectionist liberals use a as springboard to go on to show that the state ought to be perfectionist. Given that I am not considering perfectionist liberal arguments in this chapter, I set it aside here.

[215] Quong, *Liberalism Without Perfection*, 23.

Once Kymlicka appeals to autonomy and thus links liberalism with some conception of the good life, "the liberal state will unavoidably be acting for perfectionist reasons: it will be making decisions about what should be legal and illegal, what is just and unjust, based on a particular thesis about what adds inherent or intrinsic value to human life."[216] On Quong's line of thought, the appeal to autonomy signals Kymlicka's commitment to the idea that leading an autonomous life is good *and* to the idea that the state must take active steps to ensure that citizens can lead autonomous lives. To refer (as Kymlicka does) to the ideal of autonomy in justifying neutrality, political liberals think this effectively says to citizens: "As the state, we have identified what counts as a good life and we have arranged our institutions to support citizens' ability to lead this kind of life. From the state's perspective, citizens whose lives don't align with the state's conception of the good life are *not* living good lives and they cannot depend upon institutional support to pursue their ways of living."

To understand how he supports this claim, Quong asks us to imagine two people, Mike and Sara, who are arguing over the value of recreational drug use. On Mike's view, recreational drug use is disvaluable, because it is a "perversion of human nature" to gain pleasure through chemical intoxication.[217] Because recreational drug use debases humans, Mike thinks it should be criminalized. Quong claims that Mike is a perfectionist because "he believes that the state may legitimately act on judgments based in particular conceptions of the good life."[218] On Sara's view, however, recreational drug use is not

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[216] Quong, *Liberalism Without Perfection*, 25.

[217] Quong, *Liberalism Without Perfection*, 23.

[218] Quong, *Liberalism Without Perfection*, 23.

disvaluable,[219] provided 1) it is freely chosen and 2) harms no one else. As such, Sara doesn't think that it should be criminalized: the state should stay neutral about recreational drug use, provided that individuals who engage in this activity choose it themselves and don't harm anyone by engaging it. According to Quong, Sara is motivated by an intuition that the state cannot act on a particular conception of the good life to criminalize recreational drug use, i.e. a life involving no chemical intoxication. Quong thinks that Sara's argument in support of this intuition would be something along the following lines:

1. It is wrong to coerce someone for his own good.
2. The reason it is wrong has to do with *autonomy*, the importance of being the authority of your own decisions and your own life.
3. People disagree about perfectionist judgments and conceptions of the good life generally.
4. The liberal state, being a coercive institution, should thus not act for perfectionist reasons when formulating its policies because this would infringe some people's autonomy.[220]

Quong thinks that anyone who offers this line of thought in defense of neutrality runs into serious difficulties. Here's why.

Suppose that Mike denies that being autonomous is always more important and so "must always trump other considerations."[221] Mike may argue that, sometimes, pursuing

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[219] One might point out that Quong's framing of the debate between Sara and Mike stacks the deck in favour of his argument to establish that Sara's claim is perfectionist. Thanks to Cindy Stark for pointing this out.

[220] Quong, *Liberalism Without Perfection*, 23.

valuable goods is more important than autonomy, e.g. pursuing a "clean" lifestyle. However, suppose that Sara responds that "being the author of your own life is *always* more important than other conflicting considerations: autonomy must be the preeminent value or virtue in any flourishing human life."[222] If Sara takes this line of reasoning, Quong argues that it is open to Mike to point out that her argument is *"no less perfectionist* than Mike's."[223] Both Mike and Sara appeal to a conception of human flourishing and both want to use the coercive power of the state to enforce this conception of the good life and so both are perfectionist. Let's relate this argument back to Kymlicka. Along the same lines, Quong thinks that a view like Kymlicka's is appealing to a conception of human flourishing, i.e. the autonomous life, and wants to use coercive state power to enforce and promote this conception of the good, by rearranging state institutions in such a way so as not to undermine one aspect of citizens' autonomy (as Kymlicka understands the ideal). Therefore, according to Quong's line of reasoning, Kymlicka's view of liberalism is perfectionist. If it is perfectionist and yet Kymlicka claims that his liberalism also upholds the principle of neutrality, then, Quong argues, his view is inconsistent.

Kymlicka and Neutrality: The Response to Quong

In this section, I respond to Quong's charge that Kymlicka's view of antiperfectionist comprehensive liberalism is inconsistent. My response to Quong is this.

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[221] Quong, *Liberalism Without Perfection*, 23.

[222] Quong, *Liberalism Without Perfection*, 24.

[223] Quong, *Liberalism Without Perfection*, 24.

He is correct that Kymlicka's view of liberalism is perfectionist *but* Quong misunderstands where the perfectionist elements arise in Kymlicka's view. So, my first task is to get clear on where Kymlicka introduces perfectionist claims. Once we are clear on this, I will then argue that there is no inconsistency in Kymlicka's account: he can endorse perfectionism and neutrality at the same time. Lastly, I will show that Kymlicka's endorsement of weak socio-relational autonomy is well-suited to his particular approach to liberal neutrality.

I said that the first order of business is to establish where Kymlicka brings in perfectionist considerations in his view. Following Hurka, we can refer to Kymlicka's view as *indirect perfectionism* because it claims that "the right-making characteristic of state actions is the promotion of objectively good lives, but this right-making characteristic doesn't figure in the best decision-making procedure for states."[224] Put otherwise, Hurka is claiming that Kymlicka incorporates perfectionist claims at what I shall call the "foundational" level, i.e. *when we initially arrange and justify state institutions.* However, once arranged, Kymlicka thinks the state should not appeal to perfectionist claims at what I shall call the "state" level, i.e. when formulating and justifying its day-to-day policies. Now, on my reading of Quong, I take it that he assumes we cannot make this kind of distinction; *once* the state introduces perfectionist elements at the foundational level, the state *cannot then refrain from* introducing perfectionist considerations at the state level.[225] However, according to Kymlicka, this latter claim doesn't follow. The state can and should refrain from appealing to

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[224] Hurka, "Indirect Perfectionism: Kymlicka on Liberal Neutrality," 38.

[225] Quong, *Liberalism Without Perfection*, 25.

perfectionist ideals at the state level, even though the state initially arranges its institutions for perfectionist reasons. How does Kymlicka argue for this claim?

Let's begin by asking: why does Kymlicka think the state should appeal to perfectionist considerations when initially arranging its institutions? We can trace the reason for this to the two fundamental claims motivating Kymlicka's liberalism: 1) that some ways of living are objectively better than others and 2) that each of us has an essential interest in leading an objectively good life. On the basis of these two claims, Hurka argues that Kymlicka thinks the state should promote this essential interest to its citizens, by arranging its institutions in such a way that citizens can lead objectively good lives.[226] So, what's an objectively good life on Kymlicka's view? Kymlicka doesn't provide us with a list.[227] But, he does say that, for any objectively good life, it will be led from the inside and one necessary condition for leading life from the inside is that one is autonomous. So, anyone who is leading an objectively good life will be autonomous on Kymlicka's view. Let's put these ideas together: the state ought to promote citizens' essential interest in leading good lives, and part of leading a good life is being autonomous, so, in the interest of promoting objectively good lives, the state should create the conditions necessary for individuals to be autonomous.

What are the conditions necessary for autonomy on Kymlicka's view? The central claim of this project is that Kymlicka incorporates a weak socio-relational view of autonomy in his liberal theory. As I argued in Chapter 4, this view claims that a person's

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[226] Hurka, "Indirect Perfectionism: Kymlicka on Liberal Neutrality," 38.

[227] As Hurka points out, Kymlicka's argument "is not tied to particular perfectionist claims about the good but attempts to embrace all such claims simultaneously," ("Indirect Perfectionism: Kymlicka on Liberal Neutrality," 39.)

autonomy is largely constituted by the kinds of social conditions in which she lives, in addition to meeting certain psychological conditions. More precisely, I argued that a person is weak socio-relational autonomous if her social conditions provide her (or could provide her) the ability to exercise *de facto* authority over her life. So, if the liberal state ought to create the conditions necessary for people to be autonomous, and if autonomy (on Kymlicka's view) is largely a matter of living in kinds of social conditions that allow a person to exercise *de facto* authority over her life, then the state must create these kinds of conditions.

So, Kymlicka thinks the state should appeal to perfectionist considerations at the foundational level, i.e. when initially arranging and justifying its institutions. Why, then, does Hurka claim that Kymlicka's view is *indirect*? On Kymlicka's view, *once* the state has created the social conditions necessary for autonomy, Kymlicka argues that the state cannot *then act for perfectionist reasons*. In other words, once the state creates these conditions, the state must be neutral. This is where the "indirect" aspect of Kymlicka's perfectionism enters. On Kymlicka's view, the state cannot in its day-to-day operations justify laws and policies *with the aim of directly promoting objectively good ways of living*. This is because Kymlicka thinks that state perfectionism is "likely to be counterproductive."[228] As we have seen, Kymlicka offers three arguments to this end: 1) state perfectionism violates the endorsement constraint and so is self-defeating; 2) state perfectionism interferes with one aspect of autonomy as Kymlicka understands the ideal, i.e. the ability to rationally revise one's good; and 3) state perfectionism distorts the cultural marketplace.

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[228] Hurka, "Indirect Perfectionism: Kymlicka on Liberal Neutrality," 38.

So, Quong is correct that Kymlicka's view of liberalism is perfectionist, but Quong is wrong about where the perfectionism is located in Kymlicka's overall theory. Quong says that Kymlicka's state is perfectionist because 1) it appeals to perfectionist reasons to justify the initial arrangement of its institutions *and* 2) because, once arranged, the state cannot help but act for perfectionist reasons at the state level. But, Kymlicka's view denies the second claim for the reasons listed above. So, *contra* Quong, Kymlicka can consistently claim that his view is perfectionist and neutral at the same time because he denies that any perfectionist elements enter at the state level. Once it arranges its institutions, the state ought to be neutral: it must let people decide for themselves the kind of life they want to lead. Does this mean that individuals in Kymlicka's liberal state can lead *any* kind of life, including morally bankrupt lives? Yes, provided that the life is justice-respecting. If Kymlicka thinks that the state should be neutral after having arranged its institutions, then he must also claim that the state is justified in intervening in citizens' lives *only* when they endorse a non-justice-respecting conception of the good. For example, Kymlicka's liberal state would be justified in acting in a non-neutral way if Sally's conception of the good involved harming *others*. But, the state would *not* be justified in intervening in Sally's life to prevent her from harming herself or from hold the "wrong" kind of value commitments, i.e. those that lead to live an objectively bad life.[229] If Kymlicka argued that the state would be justified in intervening in Sally's life because her way of living wasn't objectively good, this would render Kymlicka's view of neutrality inconsistent.

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[229] A caveat: when I am talking about intervening in a person's life, I have in mind a sane, rational, adult. So, the state is justified in intervening in a person's life if she is not sane and intends to harm herself.

Moreover, Quong is wrong to say that autonomy forms the basis of Kymlicka's perfectionism. Rather, the basis of his perfectionism is well-being, i.e. the essential interest each of us has in leading an objectively good life. For Kymlicka, what is ultimately valuable *from the perspective of the state* is that individuals are leading objectively good lives, not merely that they are autonomous. However, what is ultimately valuable *from the perspective of individuals* is something that is up to them to decide, and to make this decision, they need to be autonomous. In fact, Kymlicka thinks that autonomy is only instrumentally valuable because it helps people determine what *is* of ultimate value to them. Kymlicka, following Ronald Dworkin, thinks that "it puts the cart before the horse" to claim that only autonomy is objectively good.[230] For Kymlicka, we don't develop the capacity for autonomy simply because we happen to have it. Rather, we develop the capacity *because* it allows us to discover what is valuable in life.[231] So, while autonomy is a fundamental aspect of Kymlicka's view of liberalism, it's important to note that it plays only an indirect role in his perfectionism. Kymlicka isn't interested in creating conditions for people leading autonomous lives – full stop. Rather, Kymlicka wants individuals to lead objectively good lives and being autonomous is only *one* aspect of leading this kind of life.

So far, I've explained how Kymlicka strikes a balance between a commitment to perfectionism and neutrality and I've argued that Quong is wrong to think that liberal views like Kymlicka's are inconsistent. Now, I want to finish with some brief

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[230] Kymlicka, *Liberalism, Community, and Culture, 12*.

[231] Kymlicka, *Liberalism, Community, and Culture, 12*. Later on, Kymlicka makes the same point when he claims that because "some project *are* more worthy than others...liberty is needed precisely to find out what is valuable in life – to question, re-examine, and revise our beliefs about value," (18).

observations about how Kymlicka's endorsement of a weak socio-relational view is well-suited to his unique approach to liberal neutrality for the following two reasons. First, as we have seen, Kymlicka thinks that the state should act for perfectionist reasons at the foundational level and arrange its institutions to create the conditions necessary for individuals to lead objectively good lives. Furthermore, he claims that all objectively good lives are led from the inside and one necessary condition for leading life from this inside is that a person is autonomous. However, as I have argued, the standards for weak socio-relational autonomy don't place restrictions on the kinds of preferences an individual can hold and be autonomous. In fact, the view even allows individuals to endorse subordinate value systems and qualify as autonomous. If a person is autonomous on Kymlicka's view, then she is leading her life from the inside. If a person is leading her life from the inside, she is living according to the values she deems important from her own perspective. According to Kymlicka, leading one's life from the inside is a necessary condition for leading an objectively good life. So, a weak socio-relational view of autonomy doesn't interfere with a person's ability to lead an objectively good life. This is because its standards don't interfere with a person's ability to lead her life from the inside, by imposing restrictions on the kinds of values she can hold.[232]

Second, because Kymlicka's weak socio-relational view of autonomy claims that social conditions are largely constitutive of a person's autonomy, it is well-suited for his particular approach to liberal neutrality. While neutrality is required at the state level,

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[232] However, it's important to note that even if a person is autonomous and leading her life from the inside, this is not sufficient to lead an objectively good life. On Kymlicka's view, a person must also endorse objectively good values to lead an objectively good life. But, as we have seen, Kymlicka thinks that individuals must determine what counts as objectively good values for themselves. The state cannot play a role in this decision-making process.

Kymlicka thinks perfectionist reasons ought to play a role at the foundational level. At this level, the state is responsible for creating social conditions necessary for autonomy because being autonomous is a necessary condition for leading an objectively good life. A weak socio-relational view is apt because it provides a precise list of the kinds of social conditions that the state must create at the foundational level.

Conclusion

In this chapter, I've discussed Kymlicka's weak socio-relational account of autonomy and his commitment to state neutrality. According to Kymlicka's liberalism, the state should upholding neutrality of aim – it should not intentionally promote certain ways of living over others in its day-to-day policies and laws – and uphold neutrality of justification – it should appeal only to neutral reasons to justify laws and policies. One line of argument to which Kymlicka appeals to justify neutrality is autonomy: the state should be neutral because non-neutrality interferes with one aspect of the ideal as he understands it, i.e. the ability to rationally revise one's good. Political liberals such as Quong have argued that this appeal renders a view of liberalism like Kymlicka's perfectionist and therefore inconsistent with his other liberal commitments, i.e. to state neutrality. I have argued that this line of thinking is incorrect. While Kymlicka's view is perfectionist, his overall view is not rendered inconsistent. Kymlicka can endorse perfectionism and neutrality at the same time. Furthermore, I have argued that his endorsement of weak socio-relational autonomy is well-suited to his particular approach to liberal neutrality.

CHAPTER 6

CONCLUDING REMARKS

The question I have addressed in this project is this: what theory of autonomy does Kymlicka endorse in his theory of liberalism? Because Kymlicka is an antiperfectionist comprehensive liberal, he regards personal autonomy as a crucial feature of liberal theory and an important factor in establishing the limits of state power. However, I argued that Kymlicka's view of autonomy in his liberalism is incomplete. This is because he doesn't specify the particular theory of autonomy he endorses. Kymlicka doesn't explain whether his view is a procedural, or substantive, or a socio-relational view and these exhaust the kinds of views of autonomy in the literature, so Kymlicka's view must be one of these. We need to know what kind of view of autonomy Kymlicka is advocating because there are different standards for different views, and the standards for autonomy tell us what conditions must obtain in order that a person counts as autonomous.

In Chapter 2, I presented one of the dominant views of autonomy in the literature: proceduralism. Proceduralist views claim that a person must meet psychological standards in order to qualify as autonomous. While proceduralist theorists disagree over what these standards are, I appealed to the proceduralist theory defended by John Christman. According to Christman, a person is autonomous if she were to reflect critically upon her value commitment, in light of the historical processes by which it

arose, and would not feel alienated toward it. Proceduralist views of autonomy are attractive because they are content-neutral: a person need not endorse or reject certain value commitments in order to qualify as autonomous. So, proceduralist accounts allow for individuals to hold the widest possible range of value commitments and be autonomous, including beliefs systems about the rightness of subordination. I argued that while Kymlicka agrees with some of proceduralism's motivating commitments, his view of autonomy in his liberalism cannot be proceduralist. This is because proceduralist views of autonomy regard social conditions as merely causally related to autonomy. This means that proceduralists think that social conditions can impair the development of a person's capacity for autonomy. But, proceduralists also think that it is both empirically and logically possible for a person to qualify as autonomous and live in oppressive social conditions. Accordingly, proceduralists think that a person can be autonomous, even in the absence of certain social conditions. However, I argued that Kymlicka's view of autonomy regards social conditions as *constitutive* of a person's autonomy. This means that if certain social conditions are missing from a person's life, then that person does not qualify, by definition, as autonomous. So, because Kymlicka regards social conditions as constitutive of a person's autonomy and proceduralist views deny this role for social conditions in determining whether a person is autonomous, then Kymlicka's view of autonomy cannot be proceduralist.

In Chapter 3, I turned my attention to considering strong substantivist views of autonomy. According to defenders of this view, proceduralist views are deeply problematic because they allow for the possibility of autonomous slaves, provided that they meet the psychological conditions for autonomy. In contrast, strong substantive

theorists maintain that it is more intuitive to think that some ways of living are incompatible with autonomous living, such as living one's life subordinate to the will of another. On the basis of this intuition, strong substantivists claim that there are normative restrictions on the kinds of value commitments a person can hold and still qualify as autonomous. So, for example, a person can never endorse and act upon a commitment to living subordinate to another and be autonomous on a strong substantive view. A person is autonomous on this account if she critically reflects upon her value commitments in the right way and holds the right kinds of commitments, i.e. commitments which don't prevent a person's psychology from "hooking on" to the world in the proper way. Defenders of the view say that it is attractive not only because it explains one of the moral problems of oppression, it avoids some of the counterintuitive implications of proceduralist views. However, I argued that Kymlicka's view of autonomy in his liberalism cannot be strong substantive. This is because the normative constraint condition is inconsistent with one aspect of Kymlicka's liberalism, namely the endorsement constraint. So, Kymlicka's view of autonomy is not strong substantivist.

In Chapter 3, I also considered whether Kymlicka's view of autonomy is weak substantivist. Defenders of this view think the most reasonable theory of autonomy cuts a middle path between proceduralism and strong substantivism. Like proceduralist views, weak substantive accounts say that it is necessary for a person to meet competency and rational conditions in order to be autonomous, i.e. that he critically reflects in the proper way. But, in order to avoid the counterintuitive implications of proceduralist views, in which a slave can count as autonomous, weak substantivist defenders claim also that a further necessary condition for autonomy is that a person has the proper kind of self-

regarding attitude, e.g. self-respect. So, like strong substantivist views, weak defenders of weak substantivist claim that there are conditions beyond an agent's psychology that must obtain. However, unlike strong substantivist views, weak substantivist views deny that it is necessary to impose normative content restrictions on a person's value commitments in order to be autonomous. As a result, a person can embrace subordinating value commitments and qualify as autonomous, provided that he meets the conditions for autonomy as set out by the weak substantivist view. I considered Paul Benson's weak substantivist account of autonomy, which claims that a person must be a competent reasoner and must have proper regard for his authority as an agent. If one has this kind of authority, he can offer reasons for her actions and choices and respond to criticisms. Moreover, on Benson's view, a person's social conditions are partly constitutive of his agential authority. That is, it must be the case that he is embedded in social conditions which allow him to have and exercise agential authority. In response, I argued that Benson's view is subject to similar objections that proceduralist views face. I argued further that in order for Benson to avoid this objection, it is necessary to introduce further substantive conditions in the weak substantivist view. However, once these further conditions are added, I argued that Benson's view effectively collapses into a strong substantivist account of autonomy. As such, I suggested that there is a distinction without a difference between strong substantivist and weak substantivist views of autonomy. In terms of my overall project, this conclusion means that Kymlicka's view of autonomy is not weak substantivist because such views are effectively the same as strong substantivist views and I argued that his account of autonomy is not strong substantivist.

In Chapter 4, I argued for the central claim of my project: that Kymlicka's account of autonomy in his liberalism is socio-relational. I argued that Kymlicka's view regards a person's social conditions as constitutive of her autonomy and this is precisely what a socio-relational view claims. To help me make my case, I introduced a socio-relational view of autonomy defended by Marina Oshana. On Oshana's view, autonomy is a global (as opposed to occurrent) property of persons who are situated in particular social and political conditions. According to Oshana, a person's social conditions are largely constitutive of her autonomy although it is necessary for certain psychological factors to obtain as well. A person is autonomous when her social conditions provide her the ability to exercise *de facto* authority over significant aspects of her life, including her choice of careers, personal relationships, political affiliations, psychological states, and health care, among others. According to Oshana, a socio-relational view of autonomy is preferable because it aligns more closely with our considered intuitions about autonomy. In contrast, she rejects proceduralist views as too thin, given that they focus *only* upon psychological factors to establish a person's autonomy. She also agrees with those theorists who claim that proceduralist views have counterintuitive implications, given that they can accommodate the possibility of an autonomous slave. Furthermore, Oshana claims that strong substantivist views are problematic because they claim that the content of a person's preferences is constitutive of her autonomy. For Oshana, it is not the content of a preference that renders a person autonomous (or not), but rather if the social conditions in which she lives allow her to exercise *de facto* authority over her life. However, I argued that while Oshana rejects strong substantivist views as inadequate, her view of autonomy nevertheless places normative constraints on the kinds of value

commitments an individual can hold and qualify as autonomous. If this line of thinking is right, this raises not only concerns about paternalism for her view, this threatens my own project. As I argued in Chapter 3, Kymlicka's view of autonomy cannot countenance content restrictions on individuals' beliefs and preferences because this would violate the endorsement constraint, which is a fundamental feature of his liberalism. So, if Oshana's socio-relational view imposes content restrictions, then Kymlicka's view of autonomy cannot be socio-relational.

To address this issue, I argued that we can modify Oshana's view and introduce what I termed a weak socio-relational account of autonomy. I argued that this view retains most of Oshana's key claims about autonomy, but it upholds content-neutrality. A person is weakly socio-relationally autonomous if she exercises, or could exercise, *de facto* authority over her life. This means that a person can choose to be nonautonomous and continue to be regarded as autonomous because she is nevertheless in a position in which she *could* exercise this kind of authority over her life. However, a person can choose nonautonomy and continue to qualify as autonomous, provided that she 1) makes this choice as an autonomous individual with an adequately developed capacity for autonomy and 2) continues to live in social conditions which could provide her the opportunity to reject her subservient way of living. While I acknowledged that Oshana may resist a weak socio-relational view, I argued that this move helps her to avoid the objections her own account faces as a result of rejecting content-neutrality. Furthermore, a weak socio-relational view of autonomy allows me to maintain the central claim of my project, namely that Kymlicka's view of autonomy is socio-relational.

Finally, in Chapter 5, I considered a potential concern for Kymlicka's overall theory of liberalism. If Kymlicka endorses this view of autonomy, does this pose a threat to another foundational aspect of his liberalism, namely his commitment to neutrality? While theorists are divided over what it means for the liberal state to be neutral, I argued that there are two key aspects to a commitment to neutrality. On the one hand, there is neutrality of aim: the state cannot intentionally promote to its citizens certain ways of living over others. On the other hand, there is neutrality of justification: the state must appeal to neutral reasons in order to justify its day-to-day policies and laws. While Kymlicka claims that his view upholds the ideal of neutrality, political liberals such as Quong argue that liberal views such as Kymlicka's suffer from an inconsistency. This is because one of Kymlicka's arguments to justify neutrality appeals to the ideal of autonomy. On this line of thinking, the state should be neutral because non-neutrality undermines one aspect of autonomy as Kymlicka conceptualizes the ideal, i.e. the ability to rationally revise one's good. According to Quong, however, once neutrality is justified on this basis, the state cannot then refrain from acting for perfectionist reasons, i.e. act to promote the autonomous life. In other words, Quong thinks that justifying neutrality by appeal to a non-neutral ideal renders the state perfectionist. However, Kymlicka claims that his view of liberalism upholds state neutrality. So, on Quong's line of reasoning, views of liberalism, such as the one Kymlicka endorses, is inconsistent.

In response, I argued that Kymlicka's approach to liberal neutrality is unique because he claims that while the state should act for perfectionist reasons at the foundational level, the state should act for neutral reasons when formulating and justifying its everyday laws and policies. Following Hurka, I referred to Kymlicka's

approach as indirect perfectionism. So, while Quong claims that perfectionism at the foundational level cannot help by permeate into the state level, I argued that Kymlicka denies this claim outright. On Kymlicka's view, the state can and must refrain from acting for perfectionist reasons in its daily operations because perfectionism at this level is 1) self-defeating, 2) impedes citizens' ability to rationally revise, and 3) distorts the cultural marketplace of ideas. Given that Kymlicka denies that perfectionism at the foundational level will lead to perfectionism at the state level, Kymlicka's view can embrace both perfectionism and neutrality without inconsistency. Moreover, I argued that Quong is wrong to say that autonomy forms the basis of Kymlicka's perfectionism. Instead, I argued that well-being, i.e. the essential interest each of us has in leading objectively good lives, is the basis of perfectionist action at the foundational level. Lastly, I argued that Kymlicka's endorsement of a weak socio-relational view is well-suited to Kymlicka's unique approach to liberal neutrality.

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